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Report of the United Nations High Commissioner for Human Rights**

Summary

The present report, submitted pursuant to General Assembly resolution 48/141 of 20 December 1993, focuses on the concept of "progressive realization" of economic, social and cultural rights in international human rights law.

Section II explores the meaning of the concept of progressive realization and how the United Nations human rights treaties allow for the gradual realization over time of economic, social and cultural rights while imposing obligations requiring immediate implementation by States parties. In section III some of the issues arising from the practical implementation of obligations subject to progressive realization are examined, as well as the measures and national strategies to move towards the progressive achievement of economic, social and cultural rights. Section IV focuses on the role of independent monitoring by the human rights treaty bodies and on different ways of monitoring the progressive realization of economic, social and cultural rights.

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** The present report was submitted late in order to reflect the most recent information.

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I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 48/141 of 20 December 1993, focuses on the concept of the progressive realization of economic, social and cultural rights under international human rights law. The report complements my report to last year's substantive session of the Economic and Social Council (E/2006/86), which was dedicated to the issues of legal protection of economic, social and cultural rights.

2. The concept of progressive realization is of pivotal importance in defining obligations of economic, social and cultural rights as set out in the United Nations human rights treaties. Moreover, the concept has direct relevance to efforts to achieve internationally agreed development targets such as the Millennium Development Goals.[1] Yet, as with the issue of the "justiciability" and legal protection of economic, social and cultural rights, the concept of progressive realization is often misunderstood. Thus, it is sometimes taken to mean that economic, social and cultural rights, by definition, are not immediately applicable or that these rights are merely aspirational goals and too vaguely defined to impose clear obligations on States. The present report aims to dispel such misconceptions.

II. The concept of the progressive realization of economic, social and cultural rights

A. The relevant treaty provisions

3. The concept of progressive realization is a simplified way to describe a central aspect of States parties' obligations relating to certain economic, social and cultural rights as set out in three of the nine core international human rights treaties:[2] the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.[3] The concept is defined in specific articles setting forth the general obligations of States parties under those treaties. The articles read as follows:

International Covenant on Economic, Social and Cultural Rights, article 2, paragraph 1

> Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

Convention on the Rights of the Child, article 4

> States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

Convention on the Rights of Persons with Disabilities, article 4, paragraph 2

> With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

4. While there are slight variations in the wording of the above-cited articles, the essence of the concept of progressive realization can be described as the obligations of States parties: (a) to undertake all appropriate measures towards the implementation, or full realization, of economic, social and cultural rights, and (b) to do so to the maximum extent of their available resources.[4]

B. The "maximum available resources" clause

5. The "maximum available resources" clause, qualifying the obligation to take steps towards the full realization of rights, is a key defining feature of the concept of progressive realization. As the drafting history of the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities shows, a main rationale for defining obligations of economic, social and cultural rights in terms of progressive realization was to acknowledge that in many countries the full realization of those rights could only be achieved over a period of time owing to resource constraints.[5]

6. The Committee on Economic, Social and Cultural Rights, established to monitor compliance with the International Covenant on Economic, Social and Cultural Rights, has described the concept of progressive realization as "a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights".[6] Likewise, the Committee on the Rights of the Child, which monitors compliance with the Convention on the Rights of the Child, notes that the concept "reflects a realistic acceptance that lack of resources — financial and other resources — can hamper the full implementation of economic, social and cultural rights in some States".[7]

7. It should be noted that the term "available resources" includes resources available to a State internationally, as reflected in the references to international cooperation in the above-cited articles. Equally, the term not only refers to the financial capacity of a State, but also to other types of resources relevant to the realization of economic, social and cultural rights, such as human, technological and information resources.

8. The qualification of resource availability allows for a degree of flexibility in the application of treaty obligations, insofar as the level of resources available to a given State party partly defines the yardstick against which compliance is measured.[8] To illustrate the point, while State party A (rich in resources) and State party B (with scarce resources) assume the same treaty obligation, State party A would be expected to be able to secure a higher level of rights realization than State party B.

9. It is important to underline, however, that the degree of flexibility introduced by the "maximum of available resources" clause is relative to the resource implications of fulfilling a particular right. Hence, if only a few resources are required to fulfil a given right, the relevance of the clause diminishes and a similar level of rights realization would be expected in both country A and country B.

10. In this regard, it is relevant to highlight the different types of State obligations. As the Committee on Economic, Social and Cultural Rights has noted, each economic, social and cultural right gives rise to three types of obligations, namely the obligations to respect, protect, fulfil:[9]

(a) The obligation to respect requires a State to refrain from interfering with the freedom of the individual;

(b) The obligation to protect requires a State to prevent other individuals and groups (third parties) from interfering with a right of the individual;

(c) The obligation to fulfil requires a State to take positive measures to ensure the satisfaction of a right.

11. The implementation of the obligations to respect and protect generally requires fewer resources than is the case for the obligation to fulfil, and States would often be in a position to implement those obligations without delay. For example, in some instances measures to promote a particular right may require a State to abstain from certain action (obligation to respect), such as refraining from carrying out forced evictions; or to secure rights of individuals against infringement by third parties (obligation to protect), for example by ensuring that employers comply with health and safety regulations.

12. The obligation to fulfil, on the other hand, generally places a greater burden on a State's resources. However, the resource implications and the relevance of the "resource availability" clause vary, depending on the particular measures undertaken to fulfil a particular right. In this regard, it is relevant to note that the obligation to fulfil can be further subdivided into three main dimensions:

(a) The obligation to fulfil (facilitate) requires States parties to undertake positive measures and enabling strategies to assist individuals to enjoy their rights, for example by ensuring that education in schools is of a good quality and culturally appropriate for minorities;

(b) The obligation to fulfil (promote) imposes a duty to disseminate information and undertake educational measures to raise awareness about a particular right;

(c) The obligation to fulfil (provide) requires States parties to provide for rights directly in cases where an individual or group is unable, for reasons beyond their control, to enjoy a right by the means at their disposal.

13. As is discussed further below, even with regard to human rights objectives with significant cost implications, such as ensuring adequate health facilities, goods and services for a whole population, a lack of resources cannot justify inaction or indefinite postponement of progress towards the realization of rights.

C. Obligations of immediate effect

14. The notion of the progressive realization of rights is easily confused with the idea that treaty obligations relating to economic, social and cultural rights are somehow assumed in a piecemeal fashion. That assumption is clearly wrong.

Obligations not subject to resource availability and progressive realization

15. First of all, it is important to note that not all obligations relating to economic, social and cultural rights are subject to progressive realization and the "maximum of available resources" clause. Notably, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities all impose an immediate obligation to guarantee that economic, social and cultural rights are enjoyed without discrimination.[10] Accordingly, measures towards the progressive achievement of rights must at all times be guided by, and comply with, the basic requirement of non-discrimination.

16. Likewise, a number of specific treaty obligations under the International Covenant on Economic, Social and Cultural Rights are generally considered to require immediate implementation irrespective of the level of resources available to a State. For example, the obligation to ensure the right to form and join trade unions and to strike (art. 8) and the obligation to protect children and young persons from economic and social exploitation (art. 10 (3)), among others.[11]

The immediate obligation to take steps

17. Secondly, even with regard to the general obligations defining the concept of progressive realization (set out in the articles listed in section A above), it would be mistaken to refer to those obligations as not being of immediate effect.

18. While article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and the equivalent articles of the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities allow for a gradual realization of some economic, social and cultural rights, the obligation, in itself, to undertake measures towards such progressive realization is of immediate effect. As the Committee on Economic, Social and Cultural Rights has underlined, article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights places an immediate obligation on States parties to undertake deliberate, concrete and targeted measures, making the most efficient use of available resources, to move as expeditiously and effectively as possible towards the full realization of rights.[12] Hence, all States parties, irrespective of their level of available resources, are under an immediate obligation to make a best effort, to the maximum of their available resources, to make progress in the realization of rights.

The presumption against retrogressive measures

19. According to the Committee on Economic, Social and Cultural Rights, the immediate obligation to take steps and move as expeditiously as possible towards the full realization of rights implies a strong presumption of impermissibility of deliberate retrogressive measures, that is, measures which result in the deterioration of a right's current level of fulfilment.[13] By way of example, the introduction of user fees in secondary education which had formerly been free of charge would

constitute a deliberate retrogressive measure. In order to justify such retrogressive measures, a State party would have to demonstrate that they have only been adopted after "the most careful consideration of all the alternatives" and can be "justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources".[14]

Minimum core obligations

20. Finally, the Committee on Economic, Social and Cultural Rights and a number of special rapporteurs of the Human Rights Council have noted that States parties to the International Covenant on Economic, Social and Cultural Rights are under an immediate obligation to satisfy, as a matter of priority, "minimum essential levels of each of the rights" recognized in the Covenant, also referred to as "minimum core obligations".[15] Moreover, the Committee considers that failing to ensure such minimum essential levels of rights fulfilment constitutes a prima facie violation of the Covenant. In such cases the burden of proof rests on the State party to justify its actions by demonstrating that it has made every effort to use the resources at its disposal to satisfy, as a matter of priority, minimum core obligations.[16]

21. It should be noted in this regard that the Covenant only provides limited guidance as to the definition of such minimum levels of rights fulfilment, apart from "the right of everyone to be free from hunger" (art. 11) and the provision that "primary education shall be compulsory and available free to all" (art. 13). However, the Committee on Economic, Social and Cultural Rights has in its recent general comments, since 2000, sought to provide guidance as to what it would consider minimum essential levels of fulfilment for a number of rights.[17] The minimum core obligations identified include among others the obligations:

> To ensure access to the minimum essential food which is nutritionally adequate and safe, to ensure freedom from hunger to everyone;
>
> To ensure access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water;
>
> To provide essential drugs, as from time to time defined under the WHO Action Programme on Essential Drugs.[18]

22. Arguably, core minimum levels of rights fulfilment are to some extent dependant on the specific situation of a given State. Thus the Commission on Human Rights, in a resolution adopted in 1994, invited States parties to the International Covenant on Economic, Social and Cultural Rights "to identify specific national benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of the minimum essential levels of each of the rights".[19]

Differences from and similarities to obligations relating to civil and political rights

23. It is worth noting that the importance of resources and gradual realization over time are not unique features of economic, social and cultural rights. Aspects of all human rights may have considerable resource implications and may often, as a matter of practical implementation, only be realized over a period of time. Suffice it here to consider the substantial costs of the infrastructure needed for an effectively functioning criminal justice system. Equally, obligations to "respect" and "ensure" civil and political rights also require States to move as expeditiously as possible towards the realization of these rights. Hence the drafters of the International

Covenant on Civil and Political Rights generally agreed that article 2, which sets forth the general nature of obligations, implied "the notion of implementation at the earliest possible moment".[20]

24. Still, there is a clear difference between obligations subject to progressive realization and those which demand that States immediately ensure a particular right or standard. The former set a more flexible standard, as the actual capacity of a State party effectively to implement certain rights is taken into account in assessing compliance.

25. For example, while failure to ensure universal access to a fair trial would by definition constitute a violation of article 14 of the International Covenant on Civil and Political Rights, this would not necessarily be the case for failure to ensure access to affordable medicines. A State may not be in breach of its international human rights obligations if it can demonstrate that affordable medicines are not available and that it is undertaking measures to the maximum of available resources to address the problem.

26. Equally, failure to ensure a core minimum level of the right to the highest attainable standard of health (such as access to essential drugs) would be considered a prima facie violation, rather than an outright violation of the treaty. That is, whether or not the State party is in breach of its international obligations depends on its ability to demonstrate that it has made full use of its available resources to remedy the situation.

27. It should be noted, however, that those economic, social and cultural rights obligations which are not subject to progressive realization (akin to civil and political rights obligations) do not allow for a similar leeway in their implementation. By way of example, a State failing to protect individuals against discrimination in access to medicines would be in breach of its obligations under article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, irrespective of the resource constraints it faced.

III. Practical implications for policies, strategies and programmes

28. In the following section the implications of the concept of progressive realization for States' actions are considered, with particular focus on the kind of measures required to give effect to economic, social and cultural rights and how the international norms and standards set out some broad requirements for the process of devising, implementing and monitoring policies, strategies and programmes.

A. The measures to be undertaken

29. The human rights treaties and the treaty bodies provide only some general indications as to the kind of measures to be taken, reflecting the impossibility of prescribing any single list of measures to implement economic, social and cultural rights. As the Committee on Economic, Social and Cultural Rights has pointed out, the most appropriate means of implementing these rights will inevitably differ from one State to another depending on their particular circumstances. Accordingly, States parties are afforded a wide margin of appreciation in determining their own

approaches and measures.[21] However, as is described further below, the margin of appreciation is not absolute, as the international human rights norms and standards provide a general framework for State action.

All appropriate means

30. Article 2, paragraph 1, of the International Covenant on Civil and Political Rights specifies the obligation to take steps "by all appropriate means, including particularly the adoption of legislative measures", while article 4 of the Convention on the Rights of the Child imposes the obligation to "undertake all appropriate legislative, administrative and other measures" for the implementation of economic, social and cultural rights. Given that the international treaties provide a legal basis for measures to promote economic, social and cultural rights, the emphasis on legislative measures is appropriate. Thus, a basic first step required of any State party to an international human rights treaty is to ensure that domestic legislation is in full conformity with the provisions of that treaty.[22] Moreover, the adoption of legislative measures would seem to be an indispensable element of implementing many aspects of the rights recognized in the Covenant. In this regard, the Committee on Economic, Social and Cultural Rights has placed special emphasis on the need to provide access to appropriate mechanisms of legal redress and remedies for breaches of Covenant rights.[23]

31. While legislative measures are of fundamental importance, the implementation of economic, social and cultural rights depends to a large extent on public policies and programmes. As the Committee has noted, the phrase "'by all appropriate means' must be given its full and natural meaning" and would include administrative, financial, education and social measures.[24] The Covenant itself provides some further guidance as to the kind of measures envisaged. Thus, a number of articles include non-exhaustive examples of "the steps to be taken by the States parties" to achieve the full realization of those rights. For example, article 6 (right to work) states that steps should include "technical and vocational guidance and training programmes", while article 11, paragraph 2 (right to be free from hunger), specifies that measures should include "disseminating knowledge of the principles of nutrition".[25]

32. Equally, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have provided some general guidance in their recommendations to States parties and in their general comments. For example, the treaty bodies frequently call for educational measures as a means to promote economic, social and cultural rights. However, in their recommendations to States parties the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child do not prescribe specific measures to be undertaken, in accordance with the margin of appreciation accorded to States parties. For example, concerning a specific problem of child labour in a given country, the treaty bodies would urge the State party concerned to take effective measures to address the problem, but leave it to the State to decide on the measures it deems to be the most appropriate in its specific circumstances.

33. In some cases, guidance on measures to give effect to specific rights is also found in internationally agreed plans of action. Thus, several global strategies adopted under the auspices of the United Nations detail measures required for the implementation of rights recognized in the International Covenant on Economics,

Social and Cultural Rights. Such global strategies include the Global Strategy for Shelter (General Assembly resolution 43/181); the International Plan of Action on Ageing (see General Assembly resolution 57/167); the ILO Global Strategy on Occupational Safety and Health; and the WHO Global Strategy on Diet, Physical Activity and Health.[26]

Governments' role in fulfilling rights

34. It is worth noting that measures to promote economic, social and cultural rights do not automatically require direct State involvement in the provision of services to give effect to specific rights. For example, in most countries food is produced by the private sector, including large-scale as well as subsistence or small-scale farming. Consequently, States are primarily under a duty to fulfil (facilitate) the right to food by, for example, taking measures to strengthen the access of rural people to resources and the means to ensure their livelihoods. Only in those cases where individuals are not able to ensure access to adequate food by the means at their disposal would the State be under an obligation to fulfil (provide) the right through more direct intervention (e.g. in the form of temporary food assistance to needy families).[27]

35. Nonetheless, while concrete measures for the implementation of economic, social and cultural rights are often undertaken by private actors, Governments and public officials remain primarily responsible for ensuring progress towards the realization of rights. In particular, Governments, at national and local levels, must take measures to ensure that limited resources, public as well as private, are used in the most effective manner to promote the realization of rights, giving particular attention to improving the situation of those most in need. For example, public subsidies or tax credits may be used to encourage private developers to construct low-cost housing for low-income individuals and families.

36. Moreover, as the international human rights treaties underline, international cooperation is an important means towards the progressive realization of economic, social and cultural rights. States parties have a shared responsibility to engage in international cooperation to make progress in the realization of economic, social and cultural rights and meeting internationally agreed goals and commitments such as the Millennium Development Goals.

B. Requirements for policies, strategies and programmes

37. While each State must define the specific measures which it deems most appropriate to its particular circumstances, the immediate obligation "to take steps" or "undertake measures" requires, as a minimum, the formulation of national strategies for the implementation of economic, social and cultural rights. The human rights norms and standards set out some general requirements for the elaboration and implementation of such strategies.

The formulation, implementation and monitoring of strategies

38. As the Committee on Economic, Social and Cultural Rights has stressed, the obligation in article 2, paragraph 1, of the Covenant "to take steps ... by all appropriate means" implies an immediate obligation to adopt strategies for the progressive implementation of each of the rights recognized in the Covenant.[28] The

human rights standards impose a number of requirements for how such strategies should be devised.

39. First, a basic requirement for formulating a strategy and defining relevant goals of public policy is to carry out an assessment of the actual state of realization of economic, social and cultural rights. Such an assessment, in turn, entails a number of other requirements. Importantly, States need to put in place systems to enable them both to collect and to analyse relevant data. Moreover, the data collected must be suitably disaggregated in order to make it possible to identify problems of discrimination, and groups in society which are particularly vulnerable and disadvantaged in their enjoyment of rights. Thus, to the extent possible, data should be disaggregated by variables such as sex, age, socio-economic situation, urban/rural areas and ethnic origin.

40. Second, human rights assessments must be used as a basis for devising coherent and targeted strategies to address specific challenges which have been identified and to promote the full realization of economic, social and cultural rights.[29] Such strategies will often require an intersectorial approach involving different areas and levels of government. Moreover, strategies for the realization of human rights should be linked to national development planning to ensure appropriate political and institutional commitment, as well as dedicated and sustainable funding for their implementation.[30] Equally, national strategies must define and incorporate indicators and benchmarks designed to assess progress in the implementation of rights.[31]

41. Third, following their formulation, national strategies must be implemented. In this regard, one important requirement is to ensure that strategies set realistic, achievable targets and that adequate funds are made available for their realization. In doing so, Governments must not only seek to make the most efficient use of often limited public resources, but also seek to mobilize private and community resources for the implementation of economic, social and cultural rights. Moreover, the implementation of strategies and policies requires effective coordination of efforts (often involving multiple actors) for the realization of human rights.

42. Fourth, the implementation of the strategies must be monitored and regularly assessed. As the Committee on the Rights of the Child has pointed out, "developing a national strategy is not a one-off task" but should include arrangements for monitoring and periodic review, for example through annual reports to parliament and the public.[32] Such periodic monitoring should serve as a basis for reviewing and adjusting policies and strategies, thus initiating a new cycle of human rights assessments, elaboration of strategies, implementation and monitoring.

Guiding principles for policymaking

43. The process of developing, implementing and monitoring national strategies must at all times be guided by the international human rights norms and standards.[33] In relation to the implementation of economic, social and cultural rights, the following guiding principles are particularly important:

(a) Strategies and policy priorities should be devised, implemented and monitored on the basis of a participatory and transparent process.[34] In particular, information on strategies and policies should be made easily available to the public, in adequate formats.

(b) Strategies and policies must give priority to ensuring that no one is discriminated against in his or her enjoyment of economic, social and cultural rights. For example, the Committee on Economic, Social and Cultural Rights has pointed out how inappropriate resource allocations may be discriminatory in their effect if they disproportionately favour a specific group.[35] Moreover, in order to address conditions which cause or perpetuate discrimination, States may be required to adopt temporary special measures, for example to accelerate the realization of women's de facto equality with men in employment.[36]

(c) Strategies must give particular attention to protecting marginalized and vulnerable members of society. In the face of resource constraints, it is particularly important that States ensure a targeted and cost-effective use of resources (human, technological, financial, etc.) for the realization of economic, social and cultural rights of marginalized and vulnerable groups.[37]

(d) The fulfilment of minimum core obligations must be a first priority in policy and budget decisions. Governments must make a best effort to ensure that limited resources are directed towards satisfying, at the very least, minimum levels of rights fulfilment, such as ensuring universal access to compulsory primary education free of charge, and that everyone has access to basic medical care and essential drugs.

44. It should be noted that the requirements mentioned above for principled policymaking are equally relevant to international efforts to realize the Millennium Development Goals. As the Committee on Economic, Social and Cultural Rights and the Special Rapporteurs on economic, social and cultural rights have underlined in a joint statement, the international human rights standards and the concepts of progressive realization and resource availability "are important guidelines of any strategy which aims at reaching the [Millennium Development] Goals".[38]

IV. Monitoring of progressive realization by the treaty bodies

45. Monitoring the progressive realization of economic, social and cultural rights serves two main purposes. On the one hand, as mentioned in the previous section, monitoring should be part of the ongoing assessment by States of the effectiveness of programmes, legislation and policies. On the other hand, monitoring should also ensure transparency and accountability in the implementation of human rights obligations undertaken by States. To accomplish the latter, the self-monitoring of Governments must be supplemented by monitoring by independent bodies to ensure accountability.

46. A range of actors can potentially play a role in such independent monitoring at the national level, for example national human rights institutions, parliamentary committees, civil society organizations, social movements, academia and the press.[39] The main focus of the present section, however, is on the monitoring of the international human rights treaties carried out by the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the other treaty monitoring bodies. In particular, three distinct forms of monitoring are examined: periodic assessments with the use of human rights indicators and benchmarks; monitoring and analysis of national budget processes; and judicial and quasi-judicial review of violations related to the progressive realization of economic, social and cultural rights.

A. Periodic review and reporting: the use of indicators and benchmarks

47. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have shown a long-standing and continuing interest in statistical indicators to assess progress in the implementation of economic, social and cultural rights. Statistical indicators which are devised and used for the purpose of assessing the state of enjoyment of human rights are referred to as "human rights indicators".[40] For example, statistics on school enrolment, disaggregated by sex and urban/rural areas help assess and monitor the implementation of the right to education.

48. While the United Nations system and national statistical bureaux collect a wealth of socio-economic statistics, a common approach on how to use such data as human rights indicators has been generally lacking.[41] In recent years, however, significant progress has been made in identifying appropriate indicators to monitor the progressive realization of economic, social and cultural rights, including through several initiatives within the United Nations system. Notably, the United Nations Development Programme (UNDP) *Human Development Report 2000* proposed a general framework for using statistical indicators to monitor human rights,[42] while United Nations agencies and programmes, including the Food and Agriculture Organization of the United Nations (FAO) and UN-Habitat, have embarked on efforts to develop indicators for the progressive realization of the human rights to health, food and housing.[43]

49. Equally, the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, in his recent reports, provides a conceptual framework for "right to health indicators", as well as illustrative lists of indicators for monitoring child survival as an aspect of children's right to health.[44] Similarly, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, in his latest report to the Council, has proposed a list of indicators for monitoring implementation of the right to adequate housing.[45]

50. The Office of the United Nations High Commissioner for Human Rights (OHCHR) also supports work in this area. Importantly, in response to a request by the chairpersons of the human rights treaty bodies,[46] OHCHR, in consultation with a panel of experts, has developed a conceptual and methodological framework for using quantitative indicators and other statistical information to promote and monitor the implementation of human rights, economic, social and cultural, as well as civil and political rights.[47]

51. The proposed conceptual framework seeks to translate universal human rights standards into indicators that are contextually relevant and operational at the country level.[48] More specifically, the framework translates the normative content of the core international human rights instruments into a few attributes and a configuration of "structural", "process" and "outcome" indicators. For a particular right, the identified indicators assess the steps taken by a State party in addressing its obligations, from its commitment and acceptance of human rights standards (structural indicators), to efforts being undertaken by the primary duty-bearer, the State, to meet the obligations that flow from the standards (process indicators), on to the results of those efforts from the perspective of rights-holders (outcome indicators).

52. OHCHR has developed sample indicators of selected human rights, including the right to adequate food, the right to health, the right to adequate housing and the right to education, which are being validated through consultations at the regional and subregional levels. By way of illustration, reproductive health has been identified as one of the attributes of the right to health, as defined in the International Covenant on Economic, Social and Cultural Rights (art. 12) and sample indicators identified are, inter alia, the date of entry into force and coverage of a national policy on maternal and reproductive health (structural indicator); the proportion of births attended by skilled health personnel (process indicator); and the maternal mortality ratio (outcome indicator).

53. To assess progress over time in the implementation of rights, statistical human rights indicators must be combined with specific targets and benchmarks. For example, the strategy may define a benchmark of the reduction of maternal mortality by 10 per cent over a five-year period. Moreover, when indicators and benchmarks are used to assess the progressive realization of rights, the question inevitably arises of how to determine what would be a realistic and reasonable pace of progress in the light of the available resources. In other words, the question of whether a benchmark of the reduction of maternal mortality by 10 per cent over a five-year period is both a sufficiently ambitious and realistic objective.

54. To answer this question, the human rights treaty bodies have generally deferred to the judgement of States parties themselves. While the process of setting targets and benchmarks should meet some procedural requirements — notably by being defined on the basis of an inclusive and participatory process — each State party must identify, in the light of its specific circumstances, what would be realistic benchmarks for the progressive realization of rights. The Committee on Economic, Social and Cultural Rights has suggested that it could assist States in this task by engaging with States parties in a process of "scoping", that is, a joint consideration by the State party and the Committee of the indicators and benchmarks against which progress is to be evaluated over a reporting period.[49] National human rights institutions could play a similar role and assist States in identifying relevant indicators and benchmarks.

Challenges and limits of indicators and benchmarks

55. The use of human rights indicators as a means effectively to monitor the progressive realization of rights poses a number of challenges. First of all, the collection of disaggregated statistical data in all areas covered by the Covenant requires a level of organizational capacity and resources which is beyond the capacity of many States. In such cases, the treaty monitoring bodies have encouraged States to seek international assistance, for example by indicating to these bodies the nature and extent of any assistance needed to enable them to comply with their monitoring obligations.[50]

56. Another challenge in the use of human rights indicators is that of endeavouring to capture the complexity of individual human rights in a manageable set of statistical indicators. In this regard, it is relevant to bear in mind the obvious limits of statistical variables. No matter how detailed and disaggregated, such data will always provide only a limited part of the picture of rights fulfilment. Hence, the need for different forms of monitoring mechanisms, including international treaty monitoring by expert bodies that rely on a broader range of information in their

assessments. Nonetheless, statistical indicators combined with specific targets and benchmarks can provide useful pointers to specific human rights challenges and problem areas, and serve as a tool to support a more comprehensive human rights assessment.

B. Monitoring of national budget processes

57. National budgets are key political documents reflecting the policy priorities of Governments as well as the level of public resources. The analysis of budget processes is therefore clearly relevant for monitoring efforts towards the progressive realization of rights, including the extent to which the most efficient use is made of available resources. In the words of the independent expert of the Human Rights Council on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights:

> "A country's ability to progressively realize economic, social and cultural rights hinges upon, in no small measure, its capacity to formulate an appropriate budget based on sound policy and participation, and to ensure its effective and efficient utilization."[51]

58. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have used macrolevel budget information as a broad indication of policy priorities and as a basis for general recommendations to increase funding for specific areas and programmes. For example, the guidelines for periodic reports adopted by these Committees request States to provide information on resources allocated to specific sectors as a proportion of gross national product (GNP). Equally, the Committee on the Rights of the Child has noted:

> "No State can tell whether it is fulfilling children's economic, social and cultural rights 'to the maximum extent of ... available resources' ... unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly."[52]

59. Consistent with the principle of States' margin of appreciation, the treaty bodies have not ventured into prescribing specific budget targets, apart from occasional references to various internationally agreed budget targets.[53] To facilitate further discussion on how the analysis of budget information can be used in treaty monitoring, the Committee on the Rights of the Child will devote its annual day of general discussion on 21 September 2007 to this subject, focusing on investments "to the maximum of available resources" for the implementation of the economic, social and cultural rights of children.[54]

60. The monitoring of national budgets is closely related to the monitoring of national policies and strategies, and holds potential for further use by treaty monitoring bodies. Just as the human rights standards imply an obligation to formulate strategies and monitor progress through indicators and benchmarks, similar requirements could be applied to national budget processes. As a minimum, information on the formulation and execution of national budgets should be publicly available to facilitate accountability, a requirement which is not met in many countries.[55]

61. Civil society organizations are leading the way in showing how the analysis of national and local budgets can be used to generate debate about the policy priorities

of Governments and to hold them accountable with regard to their human rights commitments[56] Typically, such analyses have looked at specific human rights indicators (such as low school enrolment rates among girls) in the light of legal obligations and political commitments assumed by Governments and have compared this information with appropriations in the national budget dedicated to a relevant sector. Equally, budget data have been used to expose how budget allocations (and per capita spending) favour certain groups or regions to the detriment of others and how such disparities are reflected in human rights outcomes. Budget figures have also been used to analyse developments over time in budget allocations to particular sectors (for example, health, education or housing) as a proportion of GNP, pointing to decreases in budget allocations as an indication of a failure to take steps towards the progressive realization of economic, social and cultural rights.[57]

Challenges and limits of monitoring national budget processes

62. While the analysis of national or regional budgets is obviously relevant for an assessment of efforts made towards the realization of economic, social and cultural rights, it also poses a number of challenges.

63. For example, the national budget does not necessarily give the full picture of the financial resources available to a State. In this regard it should be noted that any realistic assessment of the financial resources available within a State would need to look beyond budget figures and include potential unused sources of government revenue. In some cases tax reforms to ensure a more equitable distribution of resources may be an effective strategy to give practical meaning to the requirement of using the maximum of available resources.

64. Equally, a simple analysis of budget appropriations is limited in several important ways. As a recent United Nations Development Fund for Women (UNIFEM) publication points out, the size of budget allocations to different sectors has no necessary relationship with improved access to services and realization of rights, as many other factors come into play.[58] Often, the key issue is not the amounts spent, but rather how those funds are spent. To capture this aspect, there is a need for accountability mechanisms to assess the effectiveness of spending.

65. Despite such challenges and limitations, budget figures can be a useful tool in monitoring States' efforts towards the realization of economic, social and cultural rights. Without entering into the complexities of defining the actual level of available resources, it is relatively straightforward for monitoring bodies to point to specific problems, such as underfunding of programmes when there is a clear mismatch between policy objectives and budget allocations, manifest disparities in the use of public funds for specific groups and regions, or significant decreases in funding to particular sectors leading to a deterioration in the protection of economic, social and cultural rights.

C. Review of violations relating to progressive realization

66. Judicial review of individual complaints relating to breaches of States' obligations can also serve to monitor the progressive realization of rights. Such judicial review can potentially be an important supplement to other forms of monitoring, and the international treaty monitoring bodies and judicial review

mechanisms at the national and international levels can play an important role in this regard.

The potential role of individual complaint procedures

67. The review of individual cases allows for a much more detailed analysis than is the case for the periodic review of State reports. Such individual reviews could in principle also address violations relating to progressive realization. However, individuals are not able to submit complaints under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, which are the only two out of the nine core human rights treaties not to include an individual complaint mechanism.

68. While complaints relating to economic, social and cultural rights have been brought before existing national and international procedures, the lack of a mechanism covering economic, social and cultural rights in a more comprehensive manner remains a lacuna in the international human rights protection system. Interestingly, however, the recently adopted Convention on the Rights of Persons with Disabilities provides for an individual complaint procedure in an optional protocol. Once that Convention and its optional protocol enter into force, it will be the first such procedure which could address breaches of the progressive realization of economic, social and cultural rights, albeit only for persons with disabilities.[59] Equally, an open-ended working group of the Human Rights Council has taken another significant step to promote implementation of economic, social and cultural rights by initiating negotiations on an individual communications procedure under the International Covenant on Economic, Social and Cultural Rights.

Margin of appreciation in judicial review

69. To assess compliance with obligations "to take steps" "by all appropriate means" towards the progressive realization of economic, social and cultural rights, an adjudicating body needs not only to assess outcomes, that is, the extent to which progress has been made in the level of realization of a given right, but also the process, including the extent to which measures taken by a State are "appropriate" in view of the objective of moving towards the realization of rights.

70. It is sometimes argued that this is inherently a matter of policy and outside the remit of legal or quasi-judicial review. In other words, that national courts and international treaty monitoring bodies are not competent to pronounce themselves as to the reasonableness of national policies, as doing so would interfere with the prerogative and democratic mandate of national legislatures.

71. In this regard, the Committee on Economic, Social and Cultural Rights recently (10 May 2007) adopted a statement clarifying how it might examine communications concerning obligations subject to progressive realization. It notes that a failure to take "reasonable" steps, or to take any steps at all, where such failure cannot be convincingly justified by a lack of resources, would constitute a breach of Covenant obligations. In such cases, the Committee would respect "the margin of appreciation of States to take steps and adopt measures most suited to their specific circumstances" and "to determine the optimum use of ... resources and to adopt national policies and prioritize certain resource demands over others".[60]

72. This approach is consistent with the margin of appreciation doctrine reflected in the jurisprudence of the European Court of Human Rights and other judicial bodies.[61] However, it should be stressed that the margin of appreciation enjoyed by States parties is never absolute. Human rights law, by definition, imposes limits on the legitimate scope of State action. In other words, the extent of a State's discretion in setting policy and budget priorities is limited by the human rights standards a State has committed itself to uphold.

73. Consequently, the role of (quasi-)judicial review, both at the international and national levels, is not to prescribe the policy measures a State needs to take to respect, protect and fulfil human rights. Rather, independent judicial and quasi-judicial bodies fulfil the role of assessing the reasonableness of the measures taken, in view of the object and purpose of the treaty. Hence, as the Committee on Economic, Social and Cultural Rights points out in its statement, it would assess whether a State party has taken "reasonable steps to the maximum of its available resources to achieve progressively the realization of the provisions of the Covenant".

74. The jurisprudence of the Constitutional Court of South Africa illustrates how such assessment can be carried out in practice. The South African Constitution of 1996 enshrines a range of socio-economic rights, some of which are qualified by a resource availability clause similar to that of the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Thus, section 26 (Housing), paragraph 2, states: "The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights". In a ruling concerning the right to adequate housing, the Court noted:

> "The precise contours and content of the measures to be adopted are primarily a matter for the legislature and the executive. They must, however, ensure that the measures they adopt are reasonable ... A court considering reasonableness will not enquire whether other more desirable or favourable measures could have been adopted, or whether public money could have been better spent. The question would be whether the measures that have been adopted are reasonable. It is necessary to recognize that a wide range of possible measures could be adopted by the State to meet its obligations. Many of these would meet the requirement of reasonableness."[62]

75. As the Committee on Economic, Social and Cultural Rights notes in its statement of 10 May 2007, an assessment of the "reasonableness" of measures taken by a State party would involve considerations of whether the decision-making process had taken full account of the norms and standards recognized in the Covenant and whether the measures taken were targeted towards the realization of economic, social and cultural rights. Should a failure to take reasonable measures be established, the Committee would recommend that remedial action be taken, but would leave the decision on the means of doing so to the discretion of the State party concerned.[63]

V. Concluding remarks

76. The present report clarifies how the concept of the progressive realization of economic, social and cultural rights has acquired a specific meaning in international human rights law, informed notably by the work of the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the special procedures of the Human Rights Council. The concept refers to an immediate obligation of States parties to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as the Convention on the Rights of Persons with Disabilities once it enters into force, to undertake targeted measures to move as expeditiously and effectively as possible towards the full realization of economic, social and cultural rights. Equally, the concept is seen to imply an assumption of the impermissibility of deliberately retrogressive measures, as well as a duty immediately to satisfy, as a matter of priority, minimum essential levels of economic, social and cultural rights (core minimum obligations).

77. Moreover, the human rights treaties impose a number of obligations relating to economic, social and cultural rights which require immediate implementation irrespective of the level of available resources, notably the obligation to guarantee non-discrimination in the enjoyment of those rights.

78. The international human rights standards generally do not prescribe specific measures for the implementation of economic, social and cultural rights. Nonetheless, the human rights standards provide guidance for States parties in their policymaking. First of all, the obligation "to take steps" towards the progressive realization of rights, presupposes effective and continual assessments of the state of enjoyment of rights. Such human rights assessments are a fundamental precondition for formulating targeted strategies for the realization of economic, social and cultural rights. Moreover, to allow for accountability in their implementation, human rights strategies must incorporate relevant indicators and benchmarks. In this regard, internationally agreed development targets, such as the Millennium Development Goals, serve as important benchmarks for the progressive realization of some economic and social rights, including within the framework of international assistance and cooperation.

79. As has been underlined in the present report, government self-assessments need to be complemented by independent monitoring to ensure accountability. In that regard, the international human rights treaty bodies, through their review of periodic reports and individual communications, fulfil important functions. While individual communications concerning the full range of economic, social and cultural rights are currently only foreseen under the Convention on the Rights of Persons with Disabilities, ongoing negotiations on an optional protocol to the International Covenant on Economic, Social and Cultural Rights hold much promise for strengthening the monitoring and implementation of these rights.

80. Equally, the appropriate role of treaty monitoring bodies in assessing questions relating to public policies has been discussed above. The treaty bodies have afforded States a broad margin of appreciation in determining the measures which are most appropriate under their specific circumstances. However, States' margin of appreciation is never total and it is therefore fully appropriate for the treaty monitoring bodies to monitor State policies to implement obligations assumed under

the international human rights treaties, including those subject to progressive realization.

Notes

[1] At the United Nations Millennium Summit 191 States committed themselves to eight development goals to be attained by 2015 (see General Assembly resolution 55/2, para. 19).

[2] Of the nine core international human rights treaties, seven are currently in force: International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). The two latest core human rights treaties, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, were adopted in December 2006 and have still to enter into force.

[3] The Convention on the Rights of Persons with Disabilities, adopted by the General Assembly on 13 December 2006 in resolution 61/106, will enter into force after the twentieth ratification or accession. As of 1 June 2007 it had 97 signatures and one ratification.

[4] It should be noted that neither the Convention on Rights of the Child nor the Convention on the Rights of Persons with Disabilities defines which of the rights recognized in the respective treaties would be considered economic, social and cultural rights. As the Committee on the Rights of the Child has observed, many of the rights enumerated in the Convention on the Rights of the Child contain elements of both civil and political rights and economic, social and cultural rights, reflecting the fact that enjoyment of the two sets of rights is inextricably intertwined.

[5] See 1989 report of the Working Group on a draft convention on the rights of the child to the Commission on Human Rights (E/CN.4/1989/48, paras. 170-177). For a discussion of the drafting history of article 2 (1) of the International Covenant on Economic, Social and Cultural Rights, see P. Alston and G. Quinn, "The nature and scope of States Parties' obligations under the International Covenant on Economic, Social and Cultural Rights" in *Human Rights Quarterly*, vol. 9 (1987), pp. 156-183. See also a proposal of the delegation of India at the fourth session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, available at http://www.un.org/esa/socdev/enable/rights/ahc4india.htm.

[6] CESCR general comment No. 3 (1990) on the nature of States parties obligations, para. 9.

[7] Committee on the Rights of the Child (CRC) general comment No. 5 (2003) on the general measures of implementation of the Convention on the Rights of the Child, para. 8.

[8] See footnote 6.

[9] The respect, protect, fulfil typology has gained wide acceptance as a useful method of analysing human rights obligations, as reflected in various publications of United Nations agencies and programmes, such as the Food and Agriculture Organization of the United Nations, UN-Habitat, the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and the World Health Organization.

[10] The immediate obligation of non-discrimination is affirmed by all the core international human rights instruments. The wording of the treaties clearly shows that this obligation does not allow for progressive realization (i.e. realization over time to the maximum of available resources). Thus article 2, paragraphs 2 and 3, of the International Covenant on Economic, Social and Cultural Rights refers to obligations to "guarantee" and to "ensure". Similarly, article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination imposes

an obligation immediately to prohibit and eliminate racial discrimination in all its forms in the enjoyment of economic, social and cultural rights.

[11] Other provisions which CESCR considers to require immediate application include those concerning equal remuneration for work of equal value without distinction of any kind (art. 7 (a) (i)); the obligation to ensure that primary education shall be compulsory and available free to all (art. 13 (2) (a)); the obligation to respect the liberty of parents to choose for their children schools other than those established by the public authorities, which conform to minimum educational standards (art. 13 (3)); the obligation to protect the liberty of individuals and bodies to establish and direct educational institutions which conform to minimum standards (art. 13 (4)); and the obligation to respect the freedom indispensable for scientific research and creative activity (art. 15 (3)). See general comment No. 3, para. 5. Equally, as CESCR and the Special Rapporteur on the right to adequate housing have pointed out, the right to adequate housing (art. 11 (1)) gives rise to an immediate obligation to ensure legal security of tenure to all households and protect individuals against forced evictions. See e.g. general comment No. 7 (1997) on the right to adequate housing (art. 11 (1) of the Covenant): forced evictions. The Committee defines the term "forced eviction" "as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection" (ibid. para. 3); see also report of the Special Rapporteur on the right to adequate housing (E/CN.4/2006/41, para. 25).

[12] See e.g. Committee on Economic, Social and Cultural Rights (CESCR) general comments No. 3, paras. 2 and 9, and No. 14 (2000) on the right to the highest attainable standard of health, para. 31.

[13] CESCR general comment No. 13 (1999) on the right to education, para. 45. See also general comments No. 3, para. 9, and No. 14, para. 32.

[14] See e.g. CESCR general comment No. 3, para. 9.

[15] CESCR general comment No. 3, para. 10. See also e.g. report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/CN.4/2003/58), para. 53, and report of the Special Rapporteur on the right to food (E/CN.4/2002/58), para. 39. The notion of minimum core obligations is also reflected in the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (formulated by a group of international law experts in 1986) as an obligation towards ensuring "respect for minimum subsistence rights" (see E/C.12/2000/13, para. 25).

[16] See e.g. CESCR general comments No. 3, para. 10, and No. 13, para. 45.

[17] See CESCR general comments Nos. 14 to 18.

[18] CESCR general comment No. 14, para. 43.

[19] Commission on Human Rights resolution 1994/20, para. 11.

[20] A/5655 (1963), para. 2318. See also Alston and Quinn, op. cit., p. 172.

[21] See e.g. CESCR general comments No. 12 (1999) on the right to adequate food, para. 21 and No. 14, para. 53.

[22] CESCR general comment No. 9 (1998) on the domestic application of the Covenant, para. 3.

[23] According to the Committee, "a State party seeking to justify its failure to provide any domestic legal remedies for violations of economic, social and cultural rights would need to show either that such remedies are not 'appropriate means' within the terms of article 2, paragraph 1, ... or that, in view of the other means used, they are unnecessary" (general comment No. 9, para. 3). The issue of legal remedies for violations of economic, social and cultural rights is further discussed in the report of the United Nations High Commissioner for Human Rights to the 2006 substantive session of the Economic and Social Council (E/2006/86).

[24] CESCR general comment No. 3, paras. 4 and 7.

[25] See also the International Covenant on Economic, Social and Cultural Rights, art. 12, para. 2, art. 13, para. 2, and art. 14.

[26] For example, the WHO Global Strategy on Diet, Physical Activity and Health (2002) gives guidance as to measures to enable consumers to make healthy choices, including through incorporating health literacy into adult education programmes, encouraging marketing and ensuring standardized labelling with comprehensible information on the content of food items (para. 43) (available at http://www.who.int/dietphysicalactivity/strategy/eb11344/strategy_english_web.pdf). Likewise, the International Plan of Action on Ageing, adopted by the Second World Assembly on Ageing (2002), provides guidance as to measures to meet the objective of ensuring employment opportunities for all older persons who want to work, including through the "implementation of policies such as: increasing older women's participation; sustainable work-related health-care services with emphasis on prevention, promotion of occupational health and safety so as to maintain work ability; access to technology, life-long learning, continuing education, on-the-job training, vocational rehabilitation and flexible retirement arrangements; and efforts to reintegrate the unemployed and persons with disabilities into the labour market" (A/CONF.197/9, para. 28).

[27] See e.g. CESCR general comment No. 12, para. 15.

[28] See e.g. CESCR general comments No. 1 (1989) on reporting by States parties, para. 4, and No. 14, para. 43 (f). The obligation is explicitly stated in article 14 of the International Covenant on Economic, Social and Cultural Rights, which requires those States which have not yet been able to secure free and compulsory primary education to all children "to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all".

[29] As CESCR has pointed out, the principal value of an assessment of the current state of realization of economic, social and cultural rights "is to provide the basis for the elaboration of clearly stated and carefully targeted policies, including the establishment of priorities which reflect the provisions of the Covenant" (general comment No. 1, para. 4).

[30] By way of example, the progressive realization of economic, social and cultural rights has been incorporated into the national strategy to address poverty in Bangladesh, with specific targets and benchmarks related to, inter alia, ensuring universal primary education, reducing infant and under-five mortality rates, eliminating gender disparities in primary and secondary education, reducing the proportion of malnourished children and reducing maternal mortality rates. The strategy also seeks to determine the cost of specific programmes required to reach those objectives. ("Bangladesh — unlocking the potential. National strategy for accelerated poverty reduction", Government of the People's Republic of Bangladesh, 16 October 2005, available at http://siteresources.worldbank.org/INTPRS1/Resources/Bangladesh_PRSP(Oct-16-2005).pdf).

[31] CESCR, CRC, special rapporteurs of the Human Rights Council, UNICEF and FAO have recommended the adoption of framework laws, setting out objectives and targets as well as the time frame for their achievement, to promote the rights of the child, as well as the rights to food and to health. See e.g. CESCR general comments No. 12, para. 29, and No. 14, para. 56.

[32] CRC general comment No. 5, para. 33.

[33] The human rights principles which should guide policy measures for the progressive realization of economic, social and cultural rights are also outlined in *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies* (2006) published by OHCHR and available at http://www.ohchr.org/english/about/publications/docs/poverty_strategies.doc. See also "Statement on a common understanding of a human rights-based approach to development cooperation" adopted at the Stamford Interagency Workshop on a Human Rights-Based Approach in the Context of United Nations Reform (May 2003) and endorsed by the United Nations Development Group, available at http://www.undp.org/governance/docs/HR_Guides_CommonUnderstanding.pdf.

[34] See e.g. CESCR general comments No. 14, para. 43 (f); No. 15 (2002) on the right to water, para. 37 (e); and No. 18 (2005) on the right to work, para. 31 (c); and CRC general comment No. 5, para. 29.

[35] For example, in cases where resource allocations "disproportionately favour expensive curative health services which are accessible only to a small, privileged fraction of the population, rather than primary and preventive health care benefiting a far larger part of the population" (CESCR general comment No. 14, para. 19).

[36] The importance of temporary special measures (also referred to as "affirmative measures") has been stressed by all the treaty bodies and the Convention on the Elimination of All Forms of Discrimination against Women, in article 4, paragraph 1, contains a specific reference to such measures. See e.g. CESCR general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, Human Rights Committee general comment No. 18 (1989) on non-discrimination and CRC general comment No. 5.

[37] See e.g. CESCR general comments No. 3, para. 12; No. 14, para. 18; No. 15, para. 13; No. 17 (2005) on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author, para. 20. It should be noted that, in this context, cost-effective use of resources does not necessarily mean adopting low-cost measures. Rather, it requires States to make the most effective use of available resources to ensure equal access to human rights for all.

[38] Joint statement by CESCR and the Special Rapporteurs on economic, social and cultural rights of the Commission on Human Rights, "The Millennium Development Goals and economic, social and cultural rights" (E/C.12/2002/13, annex VII).

[39] CESCR and CRC both highlight the monitoring role which national human rights institutions can potentially play (see e.g. CESCR general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights and CRC general comment No. 5, para. 46). The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted in November 2004 by the Council of FAO likewise recommends the establishment of independent human rights institutions to monitor policies and programmes (para. 24).

[40] See e.g. CESCR general comments Nos. 14 to 18, which include specific sections on indicators and benchmarks.

[41] There is generally considerable overlap between traditional indicators of socio-economic development and indicators used to assess compliance with obligations relating to economic, social and cultural rights. As a recent OHCHR publication points out: "Essentially, what distinguishes a human rights indicator from a standard disaggregated indicator of socio-economic progress is less its substance than (a) its explicit derivation from a human rights norm and (b) the purpose to which it is put, namely human rights monitoring with a view to holding duty-bearers to account" (OHCHR, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, para. 13, available at http://www.ohchr.org/english/about/publications/docs/poverty_strategies.doc).

[42] UNDP *Human Development Report 2000*, "Human rights and human development".

[43] See for example WHO, "Consultation on indicators for the right to health", Geneva, 1 and 2 April 2004 meeting report available at http://www.who.int/hhr/activities/Report%20indicatorsmtg04%20FINAL.pdf; UN-Habitat and OHCHR, "UNHRP working paper No. 1: Monitoring housing rights: Developing a set of indicators to monitor the full and progressive realization of the human right to adequate housing", available at http://www.unhabitat.org/pmss/getPage.asp?page=bookView&book=1749; FAO, "The right to food in practice — implementation at the national level", Right to Food Unit, Rome 2006, available at http://www.fao.org/docs/eims/upload/214719/AH189_en.pdf. The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted in November 2004 by the Council of FAO equally encourage States to adopt "a national human rights based strategy for the progressive realization of the right to

food" which "could include objectives, targets, benchmarks and time frames" (Guideline 3, Strategies).

[44] See, in particular, Paul Hunt, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, reports to the General Assembly, 2003 (A/58/427) and 2004 (A/59/422).

[45] Miloon Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, report to the Human Rights Council, 2007 (A/HRC/4/18). The former Special Rapporteur on the right to education, Katarina Tomaševski, also provided a framework for indicators on the right to education in her 2002 annual report (E/CN.4/2002/60).

[46] Report of the chairpersons of the human rights treaty bodies on their seventeenth meeting, held at Geneva on 23 and 24 June 2005 (A/60/278).

[47] The OHCHR panel of experts includes members of the treaty bodies, special rapporteurs of the Human Rights Council, United Nations agencies, academics and non-governmental organizations.

[48] The conceptual and methodological framework is set out in a background paper prepared by OHCHR for the eighteenth meeting of chairpersons, "Report on indicators for monitoring compliance with international human rights instruments" (HRI/MC/2006/7). The background paper builds on the work of the Special Rapporteur on the right to the highest attainable standard of physical and mental health, as well as work that OHCHR has undertaken with FAO and UN-Habitat, in particular.

[49] See CESCR general comments No. 14, para. 58 and No. 15, para. 54.

[50] See e.g. CESCR general comment, No. 1, para. 3.

[51] Report by Bernards Mudho, independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN.4/2004/47, para. 22).

[52] CRC general comment No. 5, para. 51.

[53] For example the target of 0.7 per cent of rich countries' GNP as official development assistance, pledged by States at the 2002 World Summit on Sustainable Development, or the 20/20 initiative agreed at the World Summit for Social Development in 1995 whereby developing countries agreed to increase spending in the social sector to 20 per cent of total public expenditure, while donor countries agreed to increase aid to basic social services to 20 per cent of official development assistance.

[54] Further information on the day of general discussion, "Resources for the rights of the child — responsibility of States" is available at http://www.ohchr.org/english/bodies/crc/discussion.htm.

[55] According to the Open Budget Index, a global index rating assessing how accessible information on State budgets is to their citizens, 23 out of 59 countries surveyed in 2006 provided "minimal" or "scant or no" information to citizens on their country's budget (http://www.openbudgetindex.org).

[56] For example, the web page of the International Budget Project (http://www.internationalbudget.org) provides links to more than 40 budget groups around the world and contains various tools developed by these organizations for budget monitoring.

[57] The publication *Dignity Counts: A Guide To Using Budget Analysis to Advance Human Rights* presents one example of how a civil society group has examined developments in health expenditures in the Mexican national budget to monitor compliance with the State's obligation concerning the progressive realization of the right to the highest attainable standard of health (available at http://www.iie.org/IHRIP/Dignity_Counts.pdf).

[58] UNIFEM, *Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW*, by Diane Elson, May 2006 (http://www.unifem.org/resources/item_detail.php?ProductID=44).

[59] While complaint procedures under the other core human rights treaties also cover aspects of economic, social and cultural rights (e.g. that under the Convention on the Elimination of All Forms of Discrimination against Women with regard to the economic, social and cultural rights of women), they do not cover obligations relating to the progressive realization of those rights.

[60] Available at http://www.ohchr.org/english/bodies/cescr/docs/e_c_12_2007_1.pdf, paras. 11 and 12.

[61] See e.g. Yuval Shany, "Towards a general margin of appreciation doctrine in international law?", *The European Journal of International Law*, vol. 16, No. 5 (2006).

[62] *The Government of South Africa v. Irene Grootboom and Others*, Case CCT 11/00, judgement of 4 October 2000, para. 41.

[63] Available at http://www.ohchr.org/english/bodies/cescr/docs/e_c_12_2007_1.pdf, para. 13.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations

Economic and Social Council
Substantive session of 2007
Geneva, 2-27 July 2007
Item 5 of the provisional agenda**
Special economic, humanitarian and disaster relief assistance

Identical letters dated 20 June and 27 June 2007 from the Secretary-General to the President of the General Assembly and the President of the Economic and Social Council

I wish to draw your attention to the attached note on the outcome of the meeting of the Advisory Group of the Central Emergency Response Fund, which was held in New York on 23 and 24 May 2007.

In accordance with the General Assembly resolution 60/124, the Advisory Group was established to advise the Secretary-General on the use and impact of the Fund.

The note summarizes the key points raised during the discussions on both the management of the Fund and its effect on humanitarian operations on the ground. I would like to draw your attention to the recommendation of the Advisory Group that Member States should make every effort to achieve the $500 million target by 2008. I fully endorse that recommendation and call upon Member States to contribute to the Fund.

I should be grateful if you would bring the attached note to the attention of the Member States, ahead of the upcoming humanitarian affairs segment of the Economic and Social Council entitled "Strengthening of the coordination of United Nations humanitarian assistance through enhancing the effectiveness of needs-based humanitarian assistance", which will be held in Geneva from 16 to 18 July 2007.

(*Signed*) **Ban** Ki-moon

* A/62/50.
** E/2007/100.

07-40174 (E) 090707

Annex

Note by the Secretary-General on a meeting of the Advisory Group of the Central Emergency Response Fund held in New York on 23 and 24 May 2007

1. The 12-member Advisory Group was established by the General Assembly, in its resolution 60/124, to advise the Secretary-General through the Under-Secretary-General for Humanitarian Affairs, on the use and impact of the Central Emergency Response Fund, including timeliness and appropriateness of Fund allocations, performance, accountability and transparency. The Advisory Group held its first meeting in March 2006. The third meeting of the Advisory Group took place in New York, on 23 and 24 May 2007. The Group addressed progress and challenges during the first 15 months of operations of the Fund.

2. The Secretary-General takes this opportunity to share with the General Assembly the observations and conclusions of the Advisory Group based on updates by the Under-Secretary-General for Humanitarian Affairs and the manager of the Fund, independent reviews, including from the field and specific non-governmental organization perspectives, as well as consultations with United Nations agencies and the International Organization for Migration (IOM).

3. The Fund had come a long way since its inception in March 2006, although the need still existed for additional improvements, such as rationalizations and streamlining of administrative procedures to enhance the expediency of the Fund, improved analytical reporting on results and achievements of the Fund at the country level and enlarged stakeholder participation in the prioritization of Fund allocations at the country level under the leadership of the humanitarian/resident coordinator.

4. The Fund had made good progress towards its objectives of providing quick initial funding for life-saving assistance and rapid response in sudden onset, rapidly deteriorating and underfunded emergencies. However, further clarity was required on criteria for the use of the Fund in such situations to enhance further its predictability and added value as a complement to other funding mechanisms rather than as a substitute. Contributions to the Fund over and above the contributions made to the United Nations and other agencies for humanitarian assistance should be encouraged and its linkages to country-level pooled funding for humanitarian response should be enhanced.

5. The Fund could be a catalyst for United Nations reform at the country level, improving coordination and prioritization at all levels and promoting timeliness and equity in the humanitarian response, building on broad-based country-level partnerships. The leadership role of the humanitarian/resident coordinator in that regard was critical.

6. More specifically the Advisory Group made the recommendations set out below.

7. For the Fund to become a progressively more effective tool for emergency response in the field, additional efforts were required to mobilize resources to reach the funding target of $500 million in 2008, including $50 million as a loan component, as endorsed by the General Assembly in its resolution 61/134. The

Advisory Group welcomed the large number of new donors to the Fund and the increased and multi-year commitments made by some donors. The continued use of the loan element, despite the increase in grant funds, provided a valuable tool for critical funding gaps, thus validating its continued existence. The Group encouraged the Under-Secretary-General for Humanitarian Affairs to look into the possibility of reimbursements from agencies in cases where responses to appeals exceeded expectations. Members of the Advisory Group offered their services to the Under-Secretary-General in support of continued resource mobilization efforts to meet the 2008 target of $500 million, including advocacy. The Advisory Group recommended that the Secretary-General call upon Member States, including permanent members of the Security Council, to make every effort to achieve the $500 million target by 2008.

8. The Advisory Group reviewed the transaction costs of the Fund and the need for transparency in the nature of expenditures covered by the overhead charged to the Fund for administrative costs. The Advisory Group recommended that the administrative costs of the Fund secretariat be covered by the overhead rate charged by the Secretariat, which currently stands at 3 per cent. The Advisory Group asked the Secretary-General to pursue the matter further with a view to reducing the overhead rate to cover actual costs. The Advisory Group noted that the overhead charged by the implementing United Nations agencies and IOM reflected decisions by their respective boards and asked the Secretary-General to explore options to direct the appropriate proportion of the overhead to the final implementing partner. Concern was registered that current practice could impede efficient programme implementation.

9. The Advisory Group reviewed the existing staff capacity of the Fund secretariat. When considering the further work needed on performance monitoring and evaluation, resource mobilization, financial tracking, reporting and gradually moving from project allocations to more strategic levels of decision-making in line with the cluster approach practiced by most United Nations country teams, it concluded that greater staffing was necessary. The Advisory Group noted that the costs of such a staff increase would still be possible within the 3 per cent overhead at the level of the secretariat of the Fund.

10. The Advisory Group noted the need to examine how the Fund could streamline its management of an increasing number of projects, inter alia, through more flexible funding based on improved needs assessments and performance monitoring. The Advisory Group noted that such a development had been part of a broader reform agenda in humanitarian response, in which the Fund had played an important role. The Advisory Group recommended further efforts in developing and communicating appropriate guidelines and resolving outstanding administrative issues, such as the agreed umbrella, letter of understanding which had yet to be put into practice. The Advisory Group encouraged progress towards the creation of such a standard document in order to speed up the disbursement of funds and expressed concern that projects could adversely impact the management ability of the Office for the Coordination of Humanitarian Affairs.

11. The Advisory Group recommended the development and urgent implementation of an all-inclusive communications strategy to promote predictability and transparency as well as increased training for humanitarian actors at the field level. In addition, the Advisory Group recommended improved quality of

reporting on outputs and achievements for 2007 based on the analysis of reports received from participating humanitarian agencies. The Advisory Group also recommended the creation, by 2008, of a standardized reporting and monitoring framework, focusing on outputs and achievements.

12. The Advisory Group noted that guidelines and templates should be used as a mechanism to assist humanitarian/resident coordinators in coordinating the Inter-Agency Standing Committee, United Nations country teams, non-governmental organizations, both international and national, as well as other humanitarian actors, including, as appropriate, national Governments to assess the priority needs and added value of the Fund in relation to alternative resources. The central role played by Governments and local authorities in natural disasters should be recognized throughout the cycle of providing life-saving relief. It was agreed that continuing guidance should be used to clarify the role and responsibilities of the humanitarian/resident coordinators and the field offices of the Office for the Coordination of Humanitarian Affairs, where appropriate.

13. The Advisory Group underlined the need to finalize the ongoing process of refining the definition of life-saving to ensure consistency and predictability of Fund allocations to humanitarian responses and expressed concern that too broad a definition could dilute the overall effectiveness of the Fund. The Advisory Group committed itself to providing guidance on the criteria.

14. The Advisory Group underlined the need for a sound analysis of how the Fund had reinforced the humanitarian reform process, facilitated better coordination under the leadership of resident/humanitarian coordinators, provided equitable balance to neglected emergencies and promoted partnership and participation among United Nations agencies, non-governmental organizations and other humanitarian actors. In that context, the Advisory Group noted that the performance and accountability framework for the Fund had had two levels: the first had been that of impact in addressing time-critical needs and the second, that of effectiveness and efficiency at the level of management. The Group welcomed the framework under development at the Fund secretariat as a good start in the right direction and asked for the development of indicators for measuring impact and outcomes.

15. The Advisory Group reviewed the merits of members making field visits to assess first-hand the effectiveness of Fund allocations and came to the conclusion that it would be more productive to have consultations by videoconference with humanitarian/resident coordinators on their key role in managing the Fund. Such a consultation should take place at the next Advisory Group meeting, scheduled for October 2007 in Geneva.

16. The Advisory Group performed a thorough review of the role of non-governmental organizations in making good use of Fund allocations and confirmed the importance of international and national non-governmental organizations, as well as national Governments, as strategic partners that should play a more active role in programming and strategizing humanitarian response. The Advisory Group recommended that the Emergency Relief Coordinator, together with participating agencies, explore ways to foster greater engagement of non-governmental organizations, for example, through the cluster approach. The Advisory Group further encouraged the Emergency Relief Coordinator to look into ways Fund allocations could enhance participation by non-governmental organizations at the field level and be used more effectively for activities where they

were responsible for implementation, including through the use of country-level pooled funds.

17. The Advisory Group recommended that the Fund secretariat request United Nations agencies and IOM receiving resources from the Fund to speed up their transfer to non-governmental organizations and other implementing partners and agencies, if necessary by making the necessary modifications to the established procedures. The Advisory Group also asked the Fund secretariat, in consultation with United Nations agencies, IOM and other stakeholders, to look into the compelling circumstances under which the three-month implementation period for rapid response grants may be applied flexibly.

18. The Advisory Group noted that a significant amount of Fund resources had been used for common services in critical emergency situations, including for security, and that such services would benefit all humanitarian actors engaged in operations, including non-governmental organizations.

19. The Advisory Group underlined the importance of the two-year evaluation of the Fund to be performed in 2008 and asked for a review of the draft terms of reference for that evaluation, which should be as detailed as possible so as to make the best possible use of the final report as a basis for consideration by the General Assembly of the achievements of the Fund in the second half of 2008. The Advisory Group would make use of the final report of the Office for the Coordination of Humanitarian Affairs of its interim independent review of six countries benefiting from Fund allocations in 2006 when making its contribution to the development of the terms of reference for the two-year external review.

20. The Advisory Group looked forward to assessing progress towards the achievement of the recommendations at its next meeting in October 2007.

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Item 2 (b) of the provisional agenda*
Annual ministerial review: strengthening efforts to eradicate poverty and hunger, including through the global partnership for development

Note verbale dated 28 June 2007 from the Permanent Mission of Brazil to the United Nations addressed to the President of the Economic and Social Council

The Permanent Mission of Brazil to the United Nations presents its compliments to the President of the Economic and Social Council and has the honour to request that the attached report of the Latin America and the Caribbean regional preparatory meeting for the annual ministerial review of the Council, held in Brasilia on 17 and 18 May 2007 (see annex), be circulated as a document of the Council for consideration at its substantive session of 2007.

At the regional preparatory meeting, the theme of the annual ministerial review, "Strengthening efforts to eradicate poverty and hunger, including through the global partnership for development", was examined from the perspective of the countries of Latin America and the Caribbean. The present report, prepared by the Department of Economic and Social Affairs of the United Nations Secretariat, is considered by the Government of Brazil to be a complete and faithful reflection of the outcome of the discussions held at the preparatory meeting. The Government of Brazil is firmly convinced that the report will constitute a valuable contribution to the discussions on the theme of the annual ministerial review of 2007.

* E/2007/100 and Corr.1.

07-41697 (E) 120707

Annex to the note verbale dated 28 June 2007 from the Permanent Mission of Brazil to the United Nations addressed to the President of the Economic and Social Council

Report of the Latin America and the Caribbean regional preparatory meeting for the annual ministerial review of the Economic and Social Council: "Key challenges in financing poverty and hunger eradication efforts in Latin America and the Caribbean"

Brasilia

17 and 18 May 2007

Summary

As part of the new annual ministerial review process of the Economic and Social Council, a regional preparatory meeting for countries of the Latin America and the Caribbean region was held in Brasilia on 17 and 18 May 2007, hosted by the Government of Brazil. The theme of the meeting was "Key challenges in financing poverty and hunger eradication efforts in Latin America and the Caribbean". Organized as a multi-stakeholder event, with the participation of senior individuals in an expert capacity, the consultations consisted of plenary meetings and panel discussions, which were attended by over 90 delegates.

Key policy messages

The following major messages emerged from the discussions:

(a) The needs of middle-income developing countries are not being adequately addressed within the existing financing for development framework. Middle-income countries in Latin America still lack a self-sustaining financial capacity to fund development efforts, and because they receive low levels of external financing, most countries in the region rely on national development strategies and regional frameworks for trade and cooperation, complemented by efforts by civil society and the private sector. Development partners have an obligation to increase overall levels of aid as well as to ensure that middle-income countries are not overlooked as recipients;

(b) Inequality remains a central challenge for much of Latin America. In general, growth is an effective tool in combating poverty in poorer countries, while decreasing inequality has a greater impact on extreme poverty in middle-income countries with higher levels of inequality. Governments should implement combinations of growth and inequality reduction policies that maximize poverty reduction. National social welfare programmes, such as Brazil's conditional cash transfer programme, "Bolsa Familia", have explicitly targeted inequality and have led to a decline in extreme poverty in Latin America. Hoping to reproduce Brazil's success, other Governments are replicating the programme both within and outside the region;

(c) The effective use of trade opportunities can help countries to fight poverty. To promote international trade as an engine for development, economic growth and employment, it is critical that States fulfil their commitments to develop a universal, rule-based, open, non-discriminatory and equitable multilateral trading system and to liberalize trade. Commodity pricing remains an area of concern for many countries in the region;

(d) Because growth alone cannot combat income inequality, employment generation and decent work must become higher national policy priorities, and further progress in mainstreaming equity across public sector policies is critical. Policies that support investment, growth and entrepreneurship are essential to job creation efforts;

(e) To mobilize more domestic funds, Governments should improve tax collection and raise the tax burden, which is presently relatively low, especially in Latin America. Efforts should also be taken at an international level to reduce tax evasion;

(f) Acknowledging the likelihood that aid levels will remain below the target of 0.7 per cent of gross national income (GNI) in the near future, innovative sources of financing, including global taxes and funds, are being fostered. Initiatives such as the solidarity airline tax proposed by the International Drug Purchase Facility and the special drawing rights available through the International Monetary Fund were welcomed. Private sector-funded social programmes that work in parallel to government efforts were also recognized as vital in making up for the funding gap;

(g) Increased South-South cooperation is seen as a valuable tool for increasing the efficiency and effectiveness of development interventions, as countries with commonalities collaborate to solve similar problems and share experiences. Middle-income countries should increasingly serve as sources of cooperation, playing a larger role in South-South cooperation between themselves and with lower-income countries; however, this should not overshadow the status of middle-income countries as recipient nations;

(h) Increasing the availability of inclusive microfinance services, complemented by capacity-building for beneficiaries, offers great promise to empower the poor to pull themselves out of poverty. However, relatively few people in the Latin America and the Caribbean region have access to microfinance services, and the existing regulatory environment in most countries is not conducive to the rapid growth of this sector. Governments must create a regulatory environment conducive to the formalization and growth of microfinance institutions. Regulations should allow financial services to become more diversified and to permit the collaboration of microfinance institutions and commercial banking institutions;

(i) Climate change threatens to roll back progress made against poverty, hunger and the other United Nations Millennium Development Goals throughout the region. The Caribbean countries, in particular, are vulnerable to natural disasters and the consequences of climate change;

(j) As the central body for United Nations system-wide coordination in the economic, social and related fields, a strengthened Economic and Social Council will be a platform for ensuring effective implementation of the United Nations development agenda and a forum for promoting greater coherence among the development activities of different development partners and for strengthening the normative and operational links in the work of the Organization. The Council's annual ministerial review in July 2007 has the potential to serve as a catalyst for the implementation by strengthening accountability, greater cooperation and political engagement;

(k) The Governments of the Latin America and the Caribbean region have an interest in engaging more strategically with the Economic and Social Council, especially in the framework of the annual ministerial reviews, to further the region's development goals. They should prepare to share strategic and innovative responses to the specific challenges facing their countries at the annual ministerial review process and should take the opportunity to develop new opportunities for South-South cooperation.

I. Introduction

1. At the 2005 World Summit, Heads of State and Government mandated the Economic and Social Council to hold annual ministerial-level substantive reviews as part of its high-level segment, in order to review progress made in the implementation of the outcomes of United Nations conferences and summits and to assess its impact on the achievement of the goals and targets of those conferences and summits.

2. The first annual ministerial review, which is to be held on 3 and 4 July 2007 at the United Nations Office at Geneva, has the potential to serve as a catalyst of implementation by providing a global high-level forum where a systematic review of progress can take place and by offering a platform for an exchange of lessons learned and successful practices and approaches that should be emulated and disseminated more widely.

3. The 2007 annual ministerial review, the theme of which is "Strengthening efforts to eradicate poverty and hunger, including through the global partnership for development", will consist of a global review of progress made in the implementation of the above-mentioned outcomes, with a partial focus on Millennium Development Goal 1. Six countries (Bangladesh, Barbados, Cambodia, Cape Verde, Ethiopia and Ghana) will inform the Council of progress they have made in implementing their national development strategies in voluntary national presentations. In conjunction with the ministerial review, there will be an "Innovation fair", promoting an exchange of practical examples of what has worked, and what has not worked, to help identify which policies and programmes are candidates for replication and further dissemination.

4. Rather than being an isolated event, the annual ministerial review is to be a multifaceted process, consisting of a global e-discussion on the eradication of poverty and hunger facilitated by the United Nations Development Programme (UNDP) (14 February-16 March 2007); a global preparatory meeting (2 April 2007, New York); national consultative meetings (various dates and locations within the six countries undertaking voluntary national reviews); and a regional consultation (17-18 May 2007, Brasilia).

5. On 17 and 18 May 2007, the Government of Brazil, with the support of the Department for Economic and Social Affairs of the United Nations Secretariat and the Economic Commission for Latin America and the Caribbean, hosted the first-ever Latin America and the Caribbean regional preparatory meeting in preparation for the first annual ministerial review of the Economic and Social Council. The theme of the event was "Key challenges in financing poverty and hunger eradication efforts in Latin America and the Caribbean".

6. The objective of the meeting was to bring together experts and representatives of Governments of the region, along with members of the United Nations system and civil society, to examine emerging trends and challenges in the area of financing efforts to eradicate poverty and hunger and to discuss traditional and innovative sources of financing to eliminate these scourges. It was hoped that such a preparatory event would facilitate an informed and lively dialogue among stakeholders at the ministerial review in July 2007. In addition, the meeting would ensure that the countries of the Latin America and the Caribbean region make a contribution to the review regarding the progress they have made in implementing

the Millennium Development Goals, including best-practices and lessons learned that could contribute to the advance and expand activities to achieve the internationally agreed development goals.

7. The meeting was opened with a keynote address by Patrus Ananias, Minister for Social Development and the Fight against Hunger of Brazil. At the first session, statements were made by José Antonio Ocampo, Under-Secretary-General for Economic and Social Affairs of the Department of Economic and Social Affairs of the United Nations, and Ambassador Léo Mérorès, Vice-President of the Economic and Social Council. José Luis Machinea, Executive Secretary of the Economic Commission for Latin America and the Caribbean, also presented the background paper entitled "Emerging trends in official development assistance and its impact on financing poverty and hunger eradication in Latin America and the Caribbean".[a] Two panel discussions were subsequently held on the themes "Innovative sources of financing for poverty eradication" (see enclosure 1) and "Traditional financing instruments for poverty eradication" (see enclosure 2). The event also featured presentations by Governments, entities of the United Nations system and representatives of civil society on best practices for fighting poverty and on concrete initiatives.

8. Some 90 delegates participated in the consultations, including representatives of 23 countries from the region. Twelve United Nations and related entities participated, as well as representatives of six civil society organizations and a private sector organization.

II. Opening of the regional preparatory meeting

9. The opening of the meeting, held on the evening of 17 May 2007, set the tone for the dialogue held on 18 May.

10. Ambassador Everton Vieira Vargas, Under-Secretary of Political Issues I, Ministry of External Relations, Brazil, Nikhil Seth, Director, Office for Economic and Social Council Support and Coordination, Department for Economic and Social Affairs and Kim Bolduc, Resident Coordinator of the United Nations in Brazil, delivered short statements welcoming the participants to the meeting. A keynote address was delivered by Patrus Ananias, Minister for Social Development and the Fight against Hunger of Brazil.

11. At the opening session, it was highlighted that, despite the fact that most countries in the region are classified as middle-income developing countries, Latin America and the Caribbean nations do not have adequate resources to eradicate poverty and hunger and continue to face significant challenges in improving the lives of the indigent and malnourished. While the global partnership for development, articulated in Millennium Development Goal 8 and in the 2002 Monterrey Consensus of the International Conference on Financing for Development, calls upon developed countries to contribute funds to fill the resource gap needed to meet the internationally agreed development goals, donors have not yet fulfilled their commitments. And while official development assistance (ODA) worldwide has increased in total since 2002, it has declined in the Latin America

[a] Available at http://www.un.org/docs/ecosoc/meetings/2007/amr2007/brasilia.html including the programme of work, statements, presentations and the list of participants.

and the Caribbean region. Consequently, sources of innovative financing are being explored to complement traditional sources of funding. South-South cooperation is also increasingly important for the sharing of experiences and the exchange of best practices. Brazil is actively partnering within the region and in Africa, promoting its success with social programmes that have managed to significantly reduce inequality among its citizens.

12. Ambassador Vieira Vargas opened the meeting, placing the regional consultations in the context of the larger annual ministerial review process, which will culminate in the holding of the first annual ministerial review in July at the United Nations Office at Geneva during the high-level segment of the Economic and Social Council. The theme of the review, "Strengthening efforts to eradicate poverty and hunger, including through the global partnership for development", was of particular interest to Brazil. Although the region was largely considered to be middle income and possesses substantial wealth in natural resources, great numbers of poor and malnourished people reside in Latin America and the Caribbean. Ambassador Vieira Vargas welcomed the meeting as a valuable opportunity for the Latin America and the Caribbean region to contribute to the work of the Council.

13. Mr. Seth noted that the regional preparatory meeting, the first-ever such meeting to be held for the annual ministerial review of the Economic and Social Council, would set the example for future regional meetings. He reported that while progress on poverty eradication was on track against the 2015 timeline in all regions except Africa, chronic malnutrition remained largely unchanged from 1990 base levels. Consequently, he urged more targeted policies against hunger. Moreover, in order to address entrenched poverty in rural areas, he recommended a balance between the creation of social infrastructure and investment in economic infrastructure. He noted that global challenges such as climate change, land degradation, desertification and conflict threaten to exacerbate poverty and hunger.

14. Ms. Bolduc stated that Latin America's present resources are not sufficient to eradicate poverty and welcomed the meeting as an opportunity to examine the regional challenges in financing development. The regional meeting for the annual ministerial review was an opportunity to bring together the countries of the region that are taking similar steps to reduce poverty and hunger. South-South cooperation was particularly valuable for middle-income countries, which are not receiving sufficient levels of aid from development partners. Highlighting the role of the United Nations in the fight against poverty and hunger, she called for deeper partnership and greater solidarity among nations to further development.

15. Minister Ananias delivered a keynote address on "Emerging trends and challenges in financing for the eradication of poverty and hunger". The Minister recognized the important role of the Economic and Social Council in promoting and guiding cooperation among States and in promoting economic and social development to decrease inequality and increase living standards of the world's population. He welcomed the meeting as an occasion to assess the challenges faced and the progress achieved in funding efforts for the eradication of poverty and hunger.

16. The International Conference on Financing for Development, held in Monterrey, Mexico, in 2002, produced a consensus on the imperative of committing all countries to the eradication of poverty and the promotion of economic growth and sustainable development, including through an equitable and stable global

economic system. Since economic growth alone has not generated better living conditions for the poorest, mobilizing and expanding financial resources to achieve the Millennium Development Goals is an important step in ensuring that the twenty-first century becomes the century of development for all. Regrettably, donors have only met half of their aid commitments.

17. Warning that "hunger cannot wait", the Minister outlined efforts by Brazil, France and Chile to mobilize innovative sources of finance for development, including taxes on international financial transactions, weapons and pollution, and emphasized the importance of development funds, such as the Global Fund against Hunger and Poverty. Another initiative, the International Drug Purchase Facility (UNITAID) to fight AIDS, malaria and tuberculosis, is funded by solidarity taxes on airline tickets. These sources are intended to complement, not replace, traditional sources of funding.

18. Successful actions taken by the Government of Brazil to create public policy that responds to the country's development priorities include the "Bolsa Familia" conditional cash transfer programme and the "Zero Hunger" programme. The Government's strong network of social programmes has managed to significantly reduce inequality within the country, improving the standard of living of millions and shrinking malnutrition rates. The Minister highlighted Brazil's efforts to cooperate and share experiences with developing countries, particularly in the Latin America and the Caribbean region and in Africa.

19. Minister Ananias asserted that the right to food must be a central part of public policy. To achieve this, adequate and predictable funding must be available, including through ODA. He encouraged all countries to work together to promote shared international values.

III. Proceedings of the regional preparatory meeting

20. The first session of the regional preparatory meeting, held on 18 May 2007, consisted of introductory statements from representatives of the host country, the co-organizers of the event and the leadership of the Economic and Social Council. Together these laid the groundwork for the discussions held over the course of the meeting.

21. Ambassador Vieira Vargas presented a welcome message on behalf of the Government of Brazil. Mr. Seth delivered a message from José Antonio Ocampo, Under-Secretary-General for Economic and Social Affairs, and distributed a message from Ambassador Léo Mérorès, Vice-President of the Economic and Social Council. José Luis Machinea, Executive Secretary of the Economic Commission for Latin America and the Caribbean, presented a background paper entitled "Emerging trends in official development assistance and its impact on financing poverty and hunger eradication efforts in Latin America and the Caribbean".

22. The first session illustrated how the new Economic and Social Council, strengthened by the 2005 World Summit, will encourage better-informed, innovative, collaborative action towards achieving the Millennium Development Goals by 2015. One of the new functions of the Council, the annual ministerial review, can provide a significant contribution as a forum to monitor and assess progress in the implementation of the United Nations development agenda, where

developing and developed countries are held accountable for the commitments they have made. As the first of the regional consultations, the meeting in Brasilia will set a strong precedent for future consultations. Ambassador Vieira Vargas urged participants to use this opportunity to provide strategic and innovative input to the annual ministerial review.

23. Despite having generally made good progress in implementing the Millennium Development Goals, several challenges hamper the countries of the Latin America and the Caribbean region from realizing the internationally agreed development goals, namely: persistent inequality; risk of financial crisis; constraints to long-term trade growth of middle-income countries; the shortcomings of the partnership for development; and insufficient attention to middle-income countries. Current levels of ODA will not suffice to finance achievement of the Millennium Development Goal targets. Increases in the level and effectiveness of ODA flows could have a significant impact on the capacity of the countries of the region to reach the Goals. However, ODA directed towards the region has declined relative to other regions, and the upper-middle income countries account for an insignificant portion of Latin America's total ODA. The Heavily Indebted Poor Countries Initiative has delivered mixed results to recipient countries in the region. Consequently, innovative sources of development finance, including global taxes and global funds, are being used to supplement traditional sources of assistance. The middle-income countries of the region have been encouraged to participate in these mechanisms.

24. In his message to the meeting, Ambassador Mérorès addressed the following three main points.

The role of the Economic and Social Council in achieving the Millennium Development Goals

25. The Economic and Social Council is at the beginning of a new era triggered by the 2005 World Summit Outcome (General Assembly resolution 60/1), in which the Council was given new functions, including the annual ministerial review. The strengthened Council will be a platform for ensuring effective implementation of the United Nations development agenda, a forum for promoting greater coherence among the development activities of different development partners and for strengthening the normative and operational links in the work of the Organization and a true parliament for development through closer links with the implementation activities of, inter alia, governments, intergovernmental bodies, non-governmental organizations and international financial institutions at both the regional and the national levels. The annual ministerial review will stimulate better-informed, innovative, collaborative action towards meeting all of the Millennium Development Goals by the target date of 2015. The regional consultations in Brasilia, a pioneering and trend-setting event that is part of a larger consultation process, will serve as a model for future regional meetings, which will be an institutionalized part of future annual ministerial reviews.

Special challenges faced by small island developing States

26. The 22 small island developing States in the Latin America and the Caribbean region face many development challenges that contribute to the persistence of poverty and threaten food security, including: remoteness; vulnerability to both natural disasters and external shocks; and heavy dependence on international trade.

As a consequence, they must rely on development partners to help compensate for nature's shortcomings.

Special challenges faced by countries emerging from conflict

27. Poverty and malnutrition often plague the citizens of countries emerging from conflict. When wars end, there is typically a surge in aid as well-meaning donors respond to post-conflict needs, but the timing of the inflow may not be appropriate, arriving too soon or tapering out too early. Consequently, maximizing the effectiveness of aid to countries emerging from conflict with a view to their transitioning to long-term development requires careful and strategic planning involving both donors and recipients.

28. In his statement, Mr. Ocampo highlighted several challenges facing the Latin America and the Caribbean region in realizing the internationally agreed development goals.

Persistent income inequalities

29. Income inequalities persist, especially between skilled and unskilled workers, between regions, and between urban and rural areas. There has been slow progress in closing the gender gap in employment, wages and working conditions. Promoting fair and decent work is an essential part of reducing income inequality. Targeted distributional policies (such as Brazil's "Bolsa Familia" programme) and strengthened capacity of the public sector in addressing the relationship between economic growth and social equity also contribute towards the overall objective of promoting equity and fairness in society.

Volatility in the Latin America and the Caribbean region

30. Massive, highly procyclical capital movements remain a potential threat. Consolidating good macroeconomic management, securing adequate space for countercyclical macroeconomic policies and developing deep domestic financial markets in local currencies can help reduce risks arising from abrupt capital movements and the effects of crises.

Constraints inhibiting the productive transformation process

31. Progress in consolidating the productive transformation process and moving into more dynamic areas of specialization with a higher technological content and greater value-added is key to the long-term trade growth of middle-income countries. Such growth however, is constrained by domestic capacities and by the international trading system.

The unfulfilled promise of the global partnership for development

32. Although there has been progress in several areas of the global partnership for development set out in the Millennium Declaration and the Monterrey Consensus, developing countries are concerned that the partnership has not lived up to expectations, particularly in the areas of trade, participation of developing countries in international economic decision-making, reduction of the vulnerability of developing countries to financial market volatility and guaranteeing the stability of the international monetary system. Allowing this lack of progress to continue may

have a negative impact on cooperation in other important areas, and should be a matter of concern to all Governments.

The decrease of official development assistance to middle-income countries

33. Middle-income countries largely feel left out of the current system of international cooperation. Assistance provided by the international community to the poorest countries of the world, particularly in sub-Saharan Africa, should not preclude adequate attention to middle-income countries, where two fifths of the world's population live on less than two dollars a day. This situation requires a new approach to development cooperation in relation to middle-income countries. Development-friendly rules in the areas of finance, trade and technology are perhaps more important than ODA directed towards these countries, which is likely to continue to be limited. Stable access to both multilateral and private financing is also more important than development assistance.

34. In his statement, Mr. Ocampo also indicated how the new functions of the Economic and Social Council have the potential to provide a platform for increased accountability and greater cooperation and political engagement. The annual ministerial review can become the fulcrum for effective action at the national, regional and global levels with its national voluntary presentations, regional consultations and global discussion during the high-level segment. The Council has the potential to help strengthen the foundations of the global partnership for development with the forthcoming session emphasizing the implementation of commitments made in the area of development.

35. Mr. Machinea presented an ECLAC background paper, "Emerging trends in official development assistance and its impact on financing poverty and hunger eradication in Latin America and the Caribbean".

Trends

36. The report revealed that countries in Latin American and the Caribbean are, on average, on the right track for meeting the Millennium Development Goal 1 targets to halve poverty and hunger by 2015. However, even if the region succeeds in meeting the targets, the Commission estimates that 65 million people will remain below the poverty line and that there will still be 40 million malnourished people in the region as of 2015.

A. Poverty

37. Evidence shows that, after stagnating during the period from 1997 to 2002, poverty and indigence rates have fallen sharply in the region in recent years but that the percentage of people living in poverty is still close to the 1980 figure. In absolute terms, there are more poor people now than in the 1980s, 205 million in 2006, compared with 136 million in 1980. Extreme poverty rates in the region differ considerably across countries. The nations with the highest levels of extreme poverty and lowest per capita incomes are facing the most difficulties, and they are the most likely to fail to meet the poverty target by 2015. Among other things, higher, more stable rates of growth are needed throughout the region if it is to meet the poverty reduction target. A low tax burden, especially in Latin America, presents Governments with an opportunity to raise more domestic revenue.

38. The data presented in the report of the Commission indicate that unequal income distribution is an important factor in explaining the high rates of poverty in the region, especially in Latin America, where inequality is a much bigger problem than in the Caribbean. There are three primary reasons for the reduction of poverty in certain areas, namely: higher growth; increasing employment; and rising per capita social expenditure. While growth does help to reduce poverty, the extremely poor need jobs and social programmes to improve their lives. Brazil's "Bolsa Familia" programme, which has helped to reduce indigence, has been adopted by many countries in the region that have launched similar conditional transfer programmes.

B. Hunger

39. Progress in reducing hunger and malnutrition has generally been slower than in reducing poverty. Five countries have met the target on hunger, but many others are lagging or have suffered setbacks. Five countries (the Bolivarian Republic of Venezuela, Brazil, Colombia, Haiti and Mexico) account for almost two thirds of the total undernourished population in the region. The countries with the highest rates of undernourishment and extreme poverty are also the ones that will continue to post the highest rates of population growth in the coming decade.

Traditional financing for development

40. Development assistance is important to the achievement of the Millennium Development Goals and other development objectives. Development funding is mainly provided through ODA and, to a lesser extent, under debt relief initiatives.

C. Official development assistance flows

41. Global ODA flows have increased since 2002, but still fall far short of the targets set out in the Monterrey Consensus. Generally, aid has been applied towards social spending in larger quantities than in the past, with an attendant decline in investment in infrastructure and productive industries. Official assistance has also been channelled mainly towards lower income countries, however, in absolute terms, there are more poor people in middle-income countries in Latin America than in lower-income countries. The region has lost ground in terms of its share of assistance, with Asia and Africa dominating as recipient regions. Within the region, ODA has fallen more sharply in the upper-middle-income countries. As the economies of the Latin America and the Caribbean region converge towards the global upper-income bracket, it is expected that their share of ODA will decline over time. The middle-income countries of the region still lack a self-sustaining financial capacity to fund development efforts, and thus ODA remains a vital element in closing the gap between need and available resources.

42. Improving aid efficiency and effectiveness requires strengthening national policies, building institutions and increasing the ability of countries to absorb aid. The donor community must improve coordination and provide technical assistance for the transfer of knowledge. Creating a more favourable trade environment would also improve the ability of countries to financing their own development.

D. Debt relief initiatives for heavily indebted countries

43. Globally, the Heavily Indebted Poor Countries initiative has managed to reduce both the debt stock and debt burden but has not had a great impact, given that it was initially applied to debt levels that were very high by international standards and extremely difficult, if not impossible, to repay. In Latin America, recipient countries showed marked differences in benefits, and still maintained very high debt stocks. Notably, Brazil has supported the initiative, forgiving $1 billion, and has granted debt relief totalling $150 million to other debtors, mainly located in Latin America.

Innovative financing mechanisms

44. Current levels of funding provided by development initiatives such as ODA fall short of the amounts required to meet the internationally agreed development goals. Since developed countries have found it difficult to increase financial flows channelled through ODA, it is being supplemented with new, innovative sources of finance.

E. Global taxes

45. Taxes levied on currency transactions, the arms trade and pollution are currently under discussion. These are double-dividend instruments, collecting revenue for developing economies and providing global public goods. Global taxes entail the participation of both developed and developing countries in raising revenue. In effect, middle-income developing countries become donors in another form of South-South cooperation.

46. The Economic Commission for Latin America and the Caribbean reports that the volume of currency transactions in Latin America is so small that the potential revenue from tax collection would be relatively insignificant. If developed countries were to agree to direct 80 per cent of the revenue on foreign exchange transactions to development cooperation, as has been proposed, the Latin America and the Caribbean region is estimated to receive an amount roughly equivalent to the current level of ODA flows to the region. An arms tax is estimated to bring an amount equivalent to 0.02 per cent of the region's gross domestic product (GDP).

F. Global funds

47. Proposals for global funds include the creation of special drawing rights for development and for the establishment of an International Finance Facility. It is not clear how the Facility, which would focus on low-income countries, would benefit middle-income countries. By contrast, special drawing rights, which could be used by middle-income developing countries, are proposed to be a facility for providing global public goods, including the improvement of the environment, the prevention of disease, an increase in literacy and the provision of humanitarian aid. The Technical Group on Innovative Financing Mechanisms, under the sponsorship of Brazil, Chile, France and Spain, and with the support of the Secretary-General of the United Nations, have introduced the Hunger Fund and the Action against Hunger and Poverty initiative, other good examples of innovative global funds.

IV. Presentations: action to achieve the Millennium Development Goals

48. The annual ministerial review is meant to stimulate action to speed up and scale up the implementation of the internationally agreed development goals, including the Millennium Development Goals. To highlight concrete efforts that could be replicated or refined for other countries or regions, two sessions were held during the regional meeting that provided the opportunity for participants to present best practices for fighting poverty and concrete initiatives against poverty and hunger.

A. Presentations of best practices for fighting poverty

Governments

49. The representative of Jamaica presented a range of social, economic and infrastructural interventions that have succeeded in decreasing poverty in her country. Programmes included school feeding, rural electrification, a national health fund to subsidize the costs of prescription drugs to treat chronic illnesses, resources for street children ("Possibility Programme") and a nationwide social investment fund for poor communities. A micro-investment agency has dispersed more than $222 million in funds, predominantly to women and youth, to finance ventures in agriculture, manufacturing and service delivery. At the subregional level, the poverty eradication efforts of the Caribbean Community were highlighted.

50. The representative of Barbados reported while it has met most of the Millennium Development Goal targets, the Government continues its efforts to eradicate poverty. Initiatives include a comprehensive social safety net; various community programmes for enterprise development, technology and the arts; and special initiatives for social inclusion, including initiatives for persons with disabilities. To combat food insecurity, the Government offers incentives to stimulate and diversify agricultural production. A new strategy for South-South cooperation, with partners including Nigeria and Ghana and facilitated by the United Nations Development Programme (UNDP), was introduced. Barbados expressed the intention to reflect the interests and concerns of the region during its voluntary national presentation to the Economic and Social Council at the annual ministerial review.

51. The representative of the Bolivarian Republic of Venezuela highlighted several of its new social policies in education, food and development. Under the Education for All initiative of the United Nations Educational, Scientific and Cultural Organization (UNESCO), his country had invested 8 per cent of its gross domestic product (GDP) in order to ensure free, mandatory, quality primary education, including programmes to help members of traditionally excluded groups to gain access to higher education. Food distribution programmes have reduced malnutrition and social welfare programmes have redistributed income progressively to reduce inequality. Microcredit loans are available to communities and cooperatives, with a special focus on women, providing new opportunities to the poor. An advocate of South-South cooperation, the Bolivarian Republic of Venezuela is collaborating with several African countries.

52. The representative of Mexico described some national programmes to fight poverty and hunger, among them "Contigo", Mexico's poverty reduction strategy that promotes essential services, human development and economic growth; and "Oportunidades", a conditional cash transfer programme that has decreased gender disparities through support focusing on women with children in primary and secondary school.

Civil society

53. The representative of the Caixa Econômica Federal of Brazil described several activities undertaken by the bank for the integration of public policy, including financial education (developing primers for families in local languages in cooperation with non-governmental organizations), digital inclusion (donating personal computers, funding telecentres, etc.), microcredit services, capacity-building for microenterprises and export of products and assisting low-income families to find housing. Two concrete examples of the efforts of the bank to reduce poverty and hunger were presented. The first, "Projeto Varjadas", was executed with several partners in a rural municipality and was made up of a number of elements, including construction of housing and capacity-building and training for women. The second, "Projeto Fábrica Social", utilized donated sewing machines to train women to produce sheets for hospitals. There were also components of computer skills development.

B. Presentations of concrete initiatives

Governments

54. The representative of Costa Rica proposed the "Costa Rica Consensus", geared to mobilize additional ODA support for low-income and middle-income countries that increase social spending by cutting military expenditures. Costa Rica also proposed establishing an international peace dividend fund that would complement traditional development cooperation funding.

55. The representative of the Ministry of Labour and Employment of Brazil provided an overview of the National Programme of Guided Productive Microcredit (Programa Nacional de Microcrédito Produtivo Orientado (PNMPO)). The scheme, which makes credit available to poor communities to help boost employment through business creation, complements other social programmes in Brazil. Targeted microcredit loans paired with support and training for borrowers result in low levels of default and help recipients graduate out of poverty. The Government of Brazil is working to improve the regulatory framework governing microfinance, in consultation with other stakeholders. Solidarity funding is also being tapped, including through a requirement that 2 per cent of bank deposits in Brazil must be used for microcredit.

United Nations system

56. The representative of World Food Programme (WFP) introduced an initiative entitled, "Towards the eradication of chronic undernutrition among children in Latin American and the Caribbean by 2015", which focuses on strengthening programmes and promoting best practices in tackling this important issue, building on existing national efforts. It also aims to develop a common criteria for national hunger

reduction programmes. In Central America the initiative has received high-level political support and has been followed by related specific national policy developments in eight countries of the subregion. In Andean countries, partnerships for the institutionalization of national initiatives are being strengthened.

V. Recommendations

57. **The regional preparatory meeting made the following recommendations:**

(a) **The countries of the Latin America and the Caribbean region must work to promote high and stable rates of economic growth, which play a key role in the struggle against poverty and hunger;**

(b) **Growth alone is not sufficient to reduce poverty. To combat income inequality, employment generation and decent work must become a higher national policy priority and further progress in mainstreaming equity across public sector policies is critical. Policies that support investment, growth and entrepreneurship are essential to job creation efforts;**

(c) **To mobilize more domestic funds, countries should improve tax collection and raise the tax burden, which is presently relatively low, especially in Latin America;**

(d) **Middle-income countries should play an increased role in South-South cooperation between themselves and with lower-income countries. Doing so should not, however, overshadow their status as recipient nations;**

(e) **Governments of the region should prepare to share strategic and innovative responses to the specific challenges facing their countries at the annual ministerial review of the Economic and Social Council in July 2007.**

VI. Closing of the regional preparatory meeting

58. On behalf of the host Government, Ambassador Vieira Vargas brought the meeting to a close. Poverty and hunger are issues that the United Nations has been trying to solve since its creation. Disparity, vulnerability, instability, threats to democracy, urban violence, poverty and other challenges persist. In recent years, international aid has become more precarious in the Latin America and the Caribbean region, and the international community has lost interest. The region must look within, sharing experiences within Latin America and the Caribbean to determine what social programmes are worth replicating. So many people still need help that policies must have a level of impact consistent with the magnitude of the problem. The substantive session of the Economic and Social Council in July 2007 should not repeat the same analysis of the same problems; it needs to formulate a strategic, comprehensive action for development and to meet the Millennium Development Goals.

Enclosure 1

Panel discussion on "Traditional financing instruments for poverty eradication"

1. While it is well established that all countries bear primary responsibility for their own development, the global partnership for development is indispensable to achieving the development goals. The current view of development finance underscores the importance of scaling up official development assistance (ODA) in order to move forward with basic development objectives. Recognition of this need has not, however, prevented current and expected levels of ODA from falling short of the commitment made in the Monterrey Consensus of 0.7 per cent of the gross national income (GNI) of donor countries.

2. This topic was the subject of the panel discussion, "Traditional financing instruments for poverty eradication", chaired by Minister Ana Cabral Petersen, Ministry of External Relations of Brazil, which also addressed the efficacy and availability of traditional financing instruments. The panel included the experts Rommel Acevedo, Secretary-General of the Latin American Association of Development Financing Institutions (ALIDE); Daniel Titelman, Chief of the Development Studies Unit of the Economic Commission for Latin America and the Caribbean; and Mirela de Carvalho Pereira da Silva, Researcher, Institute of Applied Economic Research (IPEA).

3. The need for greater access to inclusive financial services was highlighted during this panel discussion. In general, financial systems are underdeveloped in the region. Delivering microfinance services to the poor can be an effective way of providing resources and a greater range of options to help them plan for the future and exert more control over their lives and livelihoods. Although there has been significant growth in the microfinance sector in the region, inadequate regulation generally hampers the further development and reach of such services. Public-private alliances aim to strengthen the financial system and improve access to funding.

4. In addition, the panel discussed the fact that growth is not a panacea for poverty. Particularly in countries with unequal distribution of wealth, initiatives to reduce inequality are a more effective way to reduce extreme poverty. It was reported that social programmes, such as the conditional income transfer programmes popular in the region, have a significant impact on poverty levels.

5. Mr. Acevedo provided an overview of trends in microfinance services in the region. Microcredit, which leverages relatively small resources, has proven to lead to large-scale change and has allowed many poor families to break out of poverty by providing the means for the poor to use their entrepreneurial skills. Despite obstacles, such as competition with commercial banks and inadequate or inappropriate industry regulation, microfinance institutions have enjoyed significant growth in Latin America, providing services to an estimated 130 million people, mostly women, through more than 10,000 microfinance institutions.

6. Microcredit can also have a positive impact on individuals and families. In regard to remittances, microfinance institutions can help reduce transaction costs and give the poor more options on how to employ the funds. The poor require capacity-building to ensure that they can effectively utilize the available

microfinance services and can repay loans. In Latin America, most microfinance services are located in urban areas, and more effort is needed to bring this option to the rural poor. In view of the significant contribution of these institutions to social and economic development, new sources of funding should be directed to them to make the provision of their services more widespread and sustainable.

7. Mr. Titelman underscored the need to develop and strengthen inclusive financial markets in order to further the mobilization of domestic resources to stimulate growth and combat poverty and hunger. The poor should be provided with financial services on a consistent basis, not only during financial emergencies. Financial systems in the region are not well developed in general; they are predominantly short-term markets, capital markets are simple, and they move cyclically rather than counter-cyclically, which is what is needed to contribute to sustainable development.

8. Only about 30 per cent of the entire population has access to financial services, and there is considerable inequality in access within countries; however, microfinance services are expanding. In 2005, there were more than 6 million microloans and the assets of microfinance institutions had reached $5 billion. Public-private alliances promise to strengthen the financial system and improve access to funding. A growing array of financial institutions is beginning to offer microfinance services, contributing to broaden access. The level of access of the poor to financial services in the region is nevertheless very low.

9. In the discussion that followed their presentations, Mr. Acevedo and Mr. Titelman also addressed the regulatory status of microfinance institutions. Regulation varies among countries, but in general regulations specific to microfinance are lacking. It is critical that microfinance regulations ensure solvency and prudence without imposing penalties on such institutions or creating unnecessary obstacles. Non-governmental organizations trying to reformulate themselves as microfinance institutions find some regulatory systems too constraining, expensive, risky and inflexible. Specifically, changes in regulations are needed to permit collaboration between microfinance institutions and commercial banking institutions.

10. Ms. Carvalho presented the outcome of a report examining the difference in the impact of economic growth policies versus measures to decrease inequality on poverty eradication — a relevant question in light of the high incidence of inequality within Latin America. In the Central American subregion, the study found that growth is more effective in combating poverty than extreme poverty, whereas a decrease in inequality is more effective in reducing extreme poverty. In addition, the benefits of growth policies appear to be greater in low-income countries, while reducing inequality is more beneficial in middle-income countries with unequal income distribution. The conditional income transfer programmes that have become popular in the Latin America and the Caribbean region fight poverty by decreasing inequality. Under normal circumstances, growth and the decrease of inequality occur simultaneously. Hence, calculating the substitution rate of inequality for growth, the study concluded that different countries will find different combinations of growth and inequality strategies that will have the greatest impact on poverty reduction. The report found that remittances, which have a measurable impact on poverty, can also increase inequality, as they are usually sent to wealthier families.

Recommendations

11. The panel made the following recommendations:

(a) Governments should implement combinations of growth policies and inequality reduction policies that maximize poverty reduction;

(b) Policy interventions should aim to widen the social welfare net to include more recipients rather than increase payouts to existing recipients in order to accelerate progress towards meeting the Millennium Development Goal 1 target on poverty reduction;

(c) Access by the poor to inclusive financial services must be drastically improved in order to provide financial tools to citizens that they can draw upon to lift themselves out of poverty. Public-private partnerships in this sector should be pursued;

(d) Governments must create a regulatory environment conducive to the formalization and growth of microfinance institutions. Regulations must be adjusted to allow non-governmental organizations to take part in microfinancing activities, thereby increasing access for the poor to financial services. Regulations should also allow financial services to become more diversified and to permit the collaboration between microfinance institutions and commercial banking institutions;

(e) Microfinance institutions need to develop liquidity instruments and risk management tools for the use of the poor in order to ensure the sustainability of their livelihoods.

Enclosure 2

Panel discussion on "Innovative sources of financing for poverty eradication"

1. In view of the fact that official development assistance (ODA) commitments are still unmet, new proposals for innovative ways of financing development and supplementing ODA flows are being devised. In general, these new financing mechanisms comprise a wide variety of instruments, ranging from the implementation of global taxes to global funds and private voluntary donations. The new instruments, unlike traditional ODA, do not rely exclusively on the unrequited transfer of funds from donor countries to recipient countries; global taxes, for example, entail the participation of both developed and developing countries in raising revenue. In effect, middle-income developing countries become donors. Even though this is a welcome change, inasmuch as it promotes South-South cooperation, it must not overshadow the status of middle-income countries as recipient nations.

2. This topic was the subject of the panel discussion, "Innovative sources of financing for poverty eradication", chaired by Nikhil Seth, Director, Office for Economic and Social Council Support and Coordination of the Department of Economic and Social Affairs. The panel, which examined the need for and identified various innovative financing mechanisms, consisted of Dr. Ricardo Ffrench-Davis, Representative of the President of Chile in the Action against Hunger and Poverty initiative and consultant for the Economic Commission for Latin America and the Caribbean, and Ana Peliano, Director of Social Policies of the Institute of Applied Economic Research.

3. The panel highlighted a variety of sources of funding beyond ODA and debt relief. These ranged from global tools such as special drawing rights to country-level activities to increasing the levels of revenue generated through tax collection. The growing role of private companies as a significant source of funding for social programmes was also examined.

4. Dr. Ffrench-Davis warned that the Latin America and the Caribbean region remains susceptible to financial crisis and should continue to manage the risk through counter-cyclic mechanisms. For example, special drawing rights at the International Monetary Fund (IMF) would ensure funding in time of need. Regional cooperation is necessary, especially to cope with crises. Improving tax systems to increase collection of revenue and to prevent evasion would help in mobilizing more domestic finance; and utilizing progressive taxation would benefit the poor. To reduce tax evasion, international agreements are necessary, as is the cooperation of offshore financial centres to ensure that they offer only legitimate financial services. The Organization for Economic Cooperation and Development (OECD) and the United Nations are working on this issue.

5. Furthermore, funds supplemental to ODA should be generated through North-South cooperation. Successful examples have been spawned in the region, notably the Action against Hunger and Poverty initiative of President Lula da Silva of Brazil supported by several other Heads of State, and schemes to generate innovative sources of financing for development through solidarity funding, such as the International Drug Purchase Facility (UNITAID), which raises funds through a tax on airline tickets. Dr. Ffrench-Davis encouraged middle-income and upper-middle-

income countries in the region to consider joining the partnership. Remittances have also increased in importance as a source of income in the region, and it is crucial that recipients gain improved access to microfinance, especially to encourage entrepreneurship. Micro, small and medium-sized enterprises can help generate economic growth that benefits the poor.

6. Mrs. Peliano shared the outcomes of research into social action by private enterprises, a movement that took root in Brazil in the 1990s and has been growing ever since. Corporate social responsibility programmes are welcome sources of additional funding for development. The latest survey found that 69 per cent of companies responding worked on a voluntary basis with communities, spending $1.6 billion in 2004. The programmes were predominantly in food and social welfare, often responding to emergency situations and pursuing "good neighbour" policies, particularly in supporting education and other services to children. The survey found that companies sometimes cooperated with non-governmental organizations and, less frequently, with government agencies. Private sector initiatives are often informal and could benefit from greater organization.

7. Corporate social responsibility initiatives appear to be on a path of continued growth in Brazil, as indicated by the expected growth in the activity of more companies and wider geographic distribution. There is no evidence to suggest that the Government is shifting its responsibility for its citizens to the private sector, but rather, to the contrary, that efforts by the Government and the private sector are increasing in parallel. Not all firms actively contribute; a third of the respondents felt they performed their role by paying taxes and providing jobs, but 43 per cent of firms surveyed planned to expand their efforts in this field. It was reported that fiscal incentive programmes, such as tax credits, which exist to encourage firms to contribute, are used by only 2 per cent of companies. Indeed, motivation for engaging in corporate social responsibility is complex, incorporating both humanitarian and corporate interests.

8. During the interactive discussion, Mrs. Peliano explained that tax breaks are available to companies for many, although but not all, of their corporate social responsibility activities, including supporting cultural activities. She noted that companies take advantage of very few tax breaks, for several reasons, including that they are too small to be worth the effort to apply, that they are not aware of the incentives or because they view such measures as a private use of public resources.

Recommendations

9. **The panel made the following recommendations:**

(a) **Counter-cyclic aid mechanisms must be available to developing countries to permit them to manage the risks presented by a financial crisis. Special drawing rights should be issued in funding facilities that provide resources to developing nations that face currency crises due to external shocks in trade or finance;**

(b) **International agreements are necessary to reduce tax evasion and national Governments must strengthen national tax systems in order to mobilize more domestic resources;**

(c) **Private sector corporate social responsibility initiatives require greater coordination to improve their effectiveness.**

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Item 14 (e) of the provisional agenda*
Social and human rights questions: United Nations High Commissioner for Refugees

Letter dated 28 June 2007 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

I have the honour to inform you that the Republic of Macedonia is seeking to apply for admission to the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

The Republic of Macedonia is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto and shares the goals of the Programme of the United Nations High Commissioner for Refugees. The Republic of Macedonia is committed to improving the situations and safeguarding the rights of refugees through international and regional cooperation, as well as at the national level. The Republic of Macedonia attached great importance to supporting the activities of the Office of the High Commissioner, and believes that membership in the Executive Committee of the Programme of the United Nations High Commissioner for Refugees would provide an opportunity to enhance our contribution to the international cooperation aimed at resolving or mitigating the problems of refugees all over the world.

The Government of the Republic of Macedonia hopes that the Economic and Social Council will approve our request and make a recommendation to the General Assembly to enlarge the membership of the Executive Committee.

(*Signed*) Igor **Dzundev**
Ambassador
Permanent Representative

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* E/2007/100 and Corr.1.

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Social and human rights questions: United Nations High Commissioner for Refugees

Note verbale dated 10 May 2007 from the Permanent Mission of Montenegro to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Montenegro to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that the Republic of Montenegro seeks membership in the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

Montenegro, which is the youngest Member State of the United Nations, has always been committed to the aims of the Programme of the United Nations High Commissioner for Refugees. Montenegro is a party to the Convention relating to the Status of Refugees and to the Protocol relating to the Status of Refugees, and hosts thousands of refugees and displaced persons from all parts of the former Yugoslavia. During the refugee crises of the 1990s, and especially during the Kosovo crisis, when 15 per cent of the Montenegrin population was composed of refugees and internally displaced persons, the Government of Montenegro spared no effort in providing them with assistance and protection.

The Republic of Montenegro stands ready to cooperate fully with all members of the Executive Committee in order to find constructive solutions to the various challenges facing the Programme of the United Nations High Commissioner for Refugees.

The Permanent Mission of the Republic of Montenegro to the United Nations hopes that the Economic and Social Council will give favourable consideration to the request of Montenegro to become a member of the Executive Committee, and that it will recommend to the General Assembly an increase in the membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

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* E/2007/100 and Corr.1.

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Item 7 (i) of the provisional agenda*
Coordination programme and other questions: calendar of conferences and meetings in the economic, social and related fields

Letter dated 12 July 2007 from the Chairman of the Committee on Conferences to the President of the Economic and Social Council

In response to the invitation of the Economic and Social Council in its decision 1988/103, the Committee on Conferences met on 11 July to review the provisional calendar of conferences and meetings for 2008 and 2009 in the economic, social and related fields (E/2007/L.10). The Committee welcomed the opportunity to review the provisional calendar of conferences and meetings and to provide, as appropriate, its recommendations thereon to the Council.

In introducing the provisional calendar, the Secretary of the Committee on Conferences drew the attention of the Committee to some important guidelines, also referred to in the preamble, which had been established by the General Assembly and the Economic and Social Council in their resolutions and decisions on the calendar of conferences and meetings. Those guidelines included the Council's decision to further consider the biennialization of the sessions of its subsidiary bodies (see Council resolution 1996/41 and General Assembly resolution 50/227). In this regard, it was noted that the United Nations Forum on Forests had decided to biennialize its sessions starting in 2007.

The attention of the Committee was drawn to Human Rights Council decision 1/102 to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, the Subcommission on the Promotion and Protection of Human Rights and the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). This is subject to the review being undertaken by the Council.

The Committee took note of the transfer of responsibility for servicing the Committee on the Elimination of Discrimination against Women from New York to Geneva.

* E/2007/100 and Corr.1.

07-42305 (E) 200707

In the preparation of the calendar, careful consideration had been given to avoiding scheduling meetings on Orthodox Good Friday, in accordance with General Assembly resolution 53/208 A. Once the exact dates of Eid al Adha and Eid al Fitr became known, as with other official United Nations holidays, no official meeting would be scheduled for those days.

The Committee recalled that subsidiary bodies should end their sessions at last eight weeks before the session of the Economic and Social Council to which they reported, and pointed out that every effort had been made in the preparation of the draft calendar to follow that guideline as much as possible. It was also reiterated that every effort was made to avoid any overlap of meetings related to the same sector of activity.

The Committee recommended the adoption of the provisional calendar of conferences and meetings of subsidiary bodies of the Economic and Social Council for 2008 and 2009, and recommended that the Council bear in mind the observations and suggestions set out above.

In closing, I would like to express the appreciation of the Committee for the invitation of the Council to review its draft calendar of conferences and meetings and for the continued close cooperation between the Council and the Committee.

(*Signed*) Yury **Yaroshevich**
Chairman of the Committee on Conferences

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Geneva, 2-27 July 2007
Agenda item 11
Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan

Letter dated 24 July 2007 from the Permanent Representative of the Syrian Arab Republic addressed to the President of the Economic and Social Council

Upon instructions from my Government, I have the honour to transmit herewith a letter (see annex) that represents the position of the Syrian Arab Republic on the report entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan", which was prepared by the Economic and Social Commission for Western Asia and issued as document A/62/75-E/2007/13, dated 3 May 2007, under agenda item 11 of the provisional agenda of the substantive session of the Economic and Social Council of 2007, taking place in Geneva, and under agenda item 43 of the preliminary list of the sixty-second session of the General Assembly, entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

I would greatly appreciate it if the present letter and its annex were to be circulated as a document of the Economic and Social Council under agenda item 11 before the end of the general segment of the Council's substantive session of 2007.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

07-43873 (E) 250707

Annex to the letter dated 24 July 2007 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Economic and Social Council

I have the duty to draw your kind attention, on behalf of my Government, to the following concerns, loopholes and facts regarding chapter III of the report, dealing with the occupied Syrian Golan, in the report entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan":

1. Israel, the occupying power, has been practicing a provocative policy under which it considers the occupied Syrian Golan "as an Israeli land" since
14 December 1981, following its decision to annex it, in contravention of international law and scores of relevant United Nations resolutions, including Security Council resolution 497 (1981).

2. The report mentions, in paragraph 69, the building of three new Israeli settlements, but it does not mention that this is in addition to the already existing 42 Israeli settlements that were built under the gaze of the international community on the wreckage of Syrian villages, farms and orchards in the occupied Syrian Golan.

3. The report mentions, in paragraph 69, that the Interior Minister of Israel announced the intention of Israel to facilitate accelerated settlement construction near the border with Syria, but the report does not state the fact that the construction will be near the ceasefire line.

4. Regarding the Israeli settlers, Israel brings settlers from the diaspora and provides them with loans as part of its policy to change the demographic character in the occupied Syrian Golan to create new facts on the ground.

5. It is not true, as mentioned in paragraph 70, that in June 2006 the International Committee of Red Cross (ICRC) opened an emergency and diagnostic medical centre in Majdal Shams and provided two ambulances; in this regard, we remind you that the International Conference of the Red Cross and Red Crescent Movement, held in Geneva in 2006, failed to address those promises.

6. Regarding paragraph 71, it should be mentioned that Israel imposes Israeli curriculum on Syrian citizens and that it runs the whole educational process in the occupied Syrian Golan.

7. With regard to the discussion of water in paragraph 72, there are other water resources such as Ran Lake near the village of Masa'ada. The lake was used by the Syrian population in farming and watering live stock. Currently, and after Israel controlled Ran Lake, it sells the water of the lake to the Syrians in the Golan at prices higher than those charged to Israeli settlers. In addition to that, Israel keeps digging wells for drinking and agriculture in the inhabited lands and properties of Syrian villages and sells their water to the Syrian population at higher prices. Furthermore, the Israeli occupying authorities prevent Syrians from drilling wells.

8. In paragraph 72, it is true that ICRC helped in transporting 10,000 tons of Arab-produced Golani apples to the Syrian market. However, those 10,000 tons were out of the total production of more than 55,000 tons.

9. There is no mention in the report of the issue of Syrian detainees, especially the deteriorating health situation of some Syrian detainees in Israeli jails, such as Seitan Nimr-elwaly.

10. There is also no mention in the report of the burial of Israeli nuclear waste in the occupied Syrian Golan. Syrian authorities raised this important matter many times in different forums such as the World Health Organization (WHO), the International Labour Organization (ILO), and the Economic and Social Commission for Western Asia.

11. The report omitted any reference to the effect of the threat of landmines on the Syrian population in the occupied Syrian Golan. Many Syrian nationals have paid with their lives because of these landmines.

12. The report did not mention the number of the Syrian Arab population in the Golan; nor did it mention the number of settlers in the occupied Syrian Golan.

The Syrian Arab Republic believes that future reports should not overlook these facts and should address them as long as they represent the reality on the ground.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative